

South Ayrshire Council

Scheme for Establishment of Community Councils 2026

**Incorporating Constitution, Standing Orders, Community Council Members Code of
Conduct**

CONTENTS

Introduction

Statutory Purposes

Roles and Responsibilities

1. Community Council Areas within South Ayrshire
2. Membership of Community Councils
3. Elections
4. Co-option - Filling of vacancies between elections
5. Resignations
6. Terms of Office of Community Councillors
7. Meetings
8. Finances
9. Other support for Community Councils
10. Compliance
11. Dissolution of a Community Council
12. Internal Community Council Complaints
13. Planning and Licensing
14. Equal Opportunities
15. Data Protection – GDPR
16. Alterations to Constitution
17. Guidance
18. Husting Events
19. General Public Complaints

INTRODUCTION

Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, produced the current system of unitary local authorities and made provision for the continuation of Community Councils. Under the legislation, every local community within an identified Community Council boundary area in Scotland is entitled to Petition their local authority to establish a Community Council.

Community Councils are voluntary bodies which exist within a statutory framework, and which have been granted statutory rights of consultation. They can complement the role of the local authority but do not form any part of local government.

Community Councils may also undertake other functions within the terms of their Constitution. It is the responsibility of a Community Council to satisfy South Ayrshire Council that it has taken positive steps to ascertain the views of the wider community within their area, before making representations on any matter, on behalf of the community, which for the most part is comprised of residents.

It should be remembered that a Community Council can only act collectively. The law does not permit individual Community Councillors any special place to act independently.

STATUTORY PURPOSES

The general purpose of Community Councils established under the Scheme is 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"

ROLE & RESPONSIBILITIES OF COMMUNITY COUNCIL

The general purpose of community councils is to act as a voice for their local area.

This will involve them articulating the views and concerns of local people in their area on a wide range of issues of public concern and make representations to their council, other public sector bodies and private agencies on matters within their sphere of interest.

It is essential that these views be demonstrated to be accurately representative of the community. Accordingly, the community councils will have in place, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sectors of the community. The National Standards for Community Engagement are a helpful resource and are available at <https://www.scdc.org.uk/what/national-standards/>

Role

- a. Community councils have a statutory right to be consulted on planning applications. Licensing matters and any other matters may also be jointly agreed between community councils, South Ayrshire Council and other public sector and private agencies.

- b. Community Councils are a community participation body under the Community Empowerment Act 2015 and may make requests in relation to the following provisions:
- Part 3 Participation Requests
 - Part 4 Community Right to Buy
 - Part 8 Common Good
 - Part 9 Allotments.
- c. Community councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objects of their Constitution and the terms of South Ayrshire Council's Scheme of Establishment of Community Councils.
- d. There should be mutual engagement in the establishment of working relationships with South Ayrshire Council and other agencies.
- e. In carrying out their activity's community councils must always adhere to the law and the terms of South Ayrshire Council's Scheme for Establishment of Community Councils.
- f. Community Councillors have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in the '*Community Councils Code of Conduct*' and this governance document.
- g. Each new community council is required to adopt a constitution. A standard template is provided in Appendix 2, together with a standard template for Standing Orders provided in Appendix 4, to encourage and facilitate their proceedings being properly structured and regulated, to ensure that items of business relevant to the community are properly debated and decisions reached in a democratic manner. Community Councils have the power to change the Constitution and Standing Orders subject to approval by South Ayrshire Council.

Responsibilities

Community councils have a duty under statute to represent the views of their local community. It is vital therefore, that they reflect the broad spectrum of opinion and interests of all sections of the community.

It is essential that these views are shown to be accurately representative of the community i.e. evidenced consultation; agendas and minutes from special meetings; questionnaire responses.

To fulfil their responsibilities as effective and representative community shall:

- a. Be non- political. Community Councils are non-political organisations and shall not demonstrate any political allegiance in their duties for Communities.
- b. Inform the community of their work through newsletter and online social media

platforms, display agendas and minutes of meetings in public places (such as libraries and notice boards);

- c. Provide publicly available contact information such as names, email addresses and website links to enable members of the public to contact them.
- d. Have in place consultative mechanisms to ascertain, co-ordinate and reflect the views of all sectors of the community which it represents. Community councils should liaise with other community groups within the area and seek to fairly express and consider the diversity of opinions and outlooks of the people within the course of the community council business.
- e. Agendas of meetings and draft minutes shall be made available for members, South Ayrshire Council, and public access within the Community Council area at least 7 working days prior to the meeting date (except in cases deemed to be an emergency meeting being called under the Special Meetings see 7.14).
- f. Approved minutes of every meeting shall be distributed by the Community Council within 14 days to members, South Ayrshire Council and other interested parties within the area and including any social media platforms and website.
- g. Seek to broaden both representation and expertise by promoting the associate membership of the community council of persons (not eligible for election to the community council) for specific projects/issues.
- h. Make efforts to encourage young people and other underrepresented groups to attend/participate in community council meetings and to ensure equality of opportunity in the way the community council carries out its functions.
- i. Maintain proper financial records and present regular financial reports at community council meetings.
- j. Inform South Ayrshire Council of any change in membership (resignations, co-option, and associate membership) as soon as practicable and record any such changes in membership at the next ordinary meeting.
- k. Community Councillors have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in the '*Community Councils Code of Conduct*' and this governance document.

ROLES AND RESPONSIBILITIES OF SOUTH AYRSHIRE COUNCIL

Role

Create a Scheme for the Establishment of Community Councils in South Ayrshire with the provision of boundary maps.

Responsibilities

- a. Arrange for establishment of community councils upon receiving 20 signatures of electors in that area in terms of section 52(7) of the Local Government (Scotland) Act 1973.
- b. Review the Scheme, both periodically and in response to representations made, and where amendments are required to propose, consult and vote on those amendments in terms of section 53 of the Local Government (Scotland) Act 1973.
- c. To support Community Councils to conform to the requirements of this Scheme, and provide structured support to Community Councils and their members.
- d. To arrange elections for Community Councils.
- e. To provide an administrative grant to cover administrative costs as per Scheme 7.7.
- f. To consult with and/or notify Community Councils on planning applications & licensing applications.

Within the resources available, South Ayrshire Council shall endeavour to:

- g. Determine a consistent level of support to community councils across the local authority area within available resources.
- h. Offer advice and assistance to community councils for development and training on such things as the duties and responsibilities of office bearers, the role of community councils, the functions of South Ayrshire Council and other relevant topics.

1. COMMUNITY COUNCIL AREAS WITHIN SOUTH AYRSHIRE

South Ayrshire Council has produced a list of named community council areas and a map that defines their boundaries. The list of community areas is specified in Appendix 1 of the Scheme. These can be modified with the prior approval of South Ayrshire Council.

Any request to create a new or amend existing community council boundaries by (1) the merging of 2 community council areas or (2) changing the boundaries of existing community councils must be made in writing to South Ayrshire Council. Such request should demonstrate local support for the proposal, including the agreement of existing Community council(s).

2. MEMBERSHIP OF COMMUNITY COUNCILS

- 2.1 Minimum core membership is 9 and maximum is 18.
- 2.2 The minimum age to stand for election as a Community Councillor is 16 years of age.
- 2.3 Qualification for membership is by residency within the specific Community Council area.
- 2.4 Community Council candidates for membership must be named on the current electoral register for the Community Council area in which they reside as a local government elector.

- 2.5 For the duration of your term as a Community Councillor, you must continue to meet the criteria.
- 2.6 Any previously eligible elected Community Councillors who move to reside out with the Community Council boundary area shall become ineligible to remain as a member of the Community Council. Under these circumstances the Community Council shall actively seek to fill the vacancy.
- 2.7 The absolute minimum number of members for a Community Council to remain established is one half of its stated constituted membership. However, South Ayrshire Council should be advised immediately if the Community Council membership falls to half or less of its voting membership.
- 2.8 There shall be provision made for non-voting Associate Membership for purposes, as defined by each Community Council.
- 2.9 No elected member of South Ayrshire Council shall be eligible to be a member of a Community Council. If a member of a Community Council is so elected, they will be deemed to have resigned from the Community Council the day after the result of the Local Government election is declared.
- 2.10 Elected members of the Scottish and United Kingdom Parliaments are entitled to become ex-officio members of Community Councils, with no voting rights.

Disqualification of Membership

- 2.11 Members who cease to reside in the community council area will be deemed to have resigned.
- 2.12 If any member of a community council fails to attend a community council meeting in a 6-month period, with or without submitting apologies, the community council shall advise South Ayrshire Council, and terminate their membership. However, at the discretion of individual community councils, a period of leave of absence for community council members may be granted at any meeting of the community council.

Additional Membership

Associate Member

- 2.13 Associate members may be appointed by a community council where there may be a need for individuals with particular skills or knowledge. These individuals do not have voting rights.
- 2.14 Associate members may serve for a fixed period as determined by the community council or for the term of office of the community council that has appointed them.
- 2.15 Associate members may include representation from other constituted local voluntary organisations, young people, etc.
- 2.16 An associate member does not require to reside within the community council area.
- 2.17 A Community Council can appoint any number of Associate members and they do not count towards the total number of Community Councillors.

- 2.18 The attendance of any Associate member at a meeting of the community council will not count towards the quorum for that meeting.

Ex-Officio Members

- 2.19 Local Authority Councillors, MPs and MSPs whose wards or constituencies fall wholly or partly within the geographical area of the community council area shall be deemed ex-officio members of the community council.
- 2.20 Ex-officio members shall have no voting rights and will not be entitled to be elected or nominated representatives of a community council.
- 2.21 The attendance of any Ex-officio member at a meeting of the community council will not count towards the quorum for that meeting.

Declaration of Members' Interests

- 2.22 All elected Community Councillors, Co-opted members and Ex-Officio members shall declare all interests and/or make it known if their interests have been made available elsewhere and whether these are accessible to the Community Council.
- 2.23 All members shall declare in advance any financial or any other interest however minor that they may have in relevant matters coming before the Community Council. The member shall withdraw from the meeting during consideration of this item of business and shall take no part in the discussions or decision thereon. **All declarations are to be formally minuted.**

3. ELECTIONS

New Community Councils - Where No Community Council Exists

- 3.1 The forming of a new Community Council shall be initiated in an approved area on receipt of a Petition bearing the names of not less than 20 residents whose names appear on the Electoral Register, are aged 16 or over and live within the boundaries of the Community Council area. This is in accordance with section 52(7) of the Local Government (Scotland) Act 1973.
- 3.2 South Ayrshire Council shall, within not more than six weeks from the date of receipt of confirmation of a valid petition, organise wider consultation and engagement procedures to initiate the election process.
- 3.3 In the first instance, a steering committee and/or appropriate structure may be formed from amongst the 20 residents and be supported by a relevant officer to familiarise themselves with the Governance for Community Councils.
- 3.4 Each Community Council is required to adopt the Constitution which has been approved by South Ayrshire Council. Following adoption of the Constitution, on behalf of the proposed Community Council, South Ayrshire Council can proceed with the establishment process.

Where a Community Council already exists

- 3.5 Where a Petition is received to start a new Community Council in an area where an existing Community Council operates, the proposal will be referred initially to the existing

Community Council for comment before South Ayrshire Council determines whether action should be taken in terms of Section 53 of the Local Government (Scotland) Act 1973.

Election Process

- 3.6 Full Community Council membership elections shall be held every four years with the election process taking place during January to March. South Ayrshire Council shall conduct and administer Community Council elections including By-Elections where necessary.

Should Community Councils' election cycle fall in the year of Scottish Local Government or Parliamentary Elections, the electoral proceeding will be held the following year.

- 3.7 Where the number of valid candidates received and verified is less than or equal to the number of advertised vacancies for the Community Council, then no contested election shall be held.
- 3.8 Where the number of valid candidates nominated to be Community Councillors is greater than the number of advertised vacancies, a contested election shall be prepared and held by South Ayrshire Council.
- 3.9 Should the number of candidates validly nominated, be below the MINIMUM required membership no community council will be established at that time. However, that does not preclude South Ayrshire Council from issuing a second call for nominations for a community council area failing to meet the minimum membership requirement within 6 months of the closing date for the registration of the first call for nominations.
- 3.10 The Service Lead, Thriving Communities of South Ayrshire Council shall act as Returning Officer for elections administered by South Ayrshire Council and shall be responsible for regulating the conduct of these elections. The decision of the Returning Officer on all matters of election and nomination procedures shall be final.

Contested Election Process

- 3.11 All persons who are resident in the Community Council boundary area; are 16 years of age or over, and whose names appear on South Ayrshire Council's Electoral Register for the same Community Council boundary area shall be entitled to vote for candidates in Community Council elections (alternative measures for identification and residency status of candidates may be undertaken upon request/approval of the individual in certain circumstances).
- 3.12 Elections shall be conducted by secret ballot of local electors, organised by South Ayrshire Council, as determined appropriate by South Ayrshire Council's Service Lead, Thriving Communities. Community Councils shall be elected on a simple majority basis.

4. CO-OPTION - FILLING OF VACANCIES BETWEEN ELECTIONS

- 4.1 Vacancies on a community council may arise in the following circumstances:
- a. when an elected Community Council member submits his/her resignation,
 - b. when an elected Community Council member ceases to be registered on the electoral register within the Community Council area,

- c. when a Community Councillor is elected as a Local Councillor, MSP, or MP,
 - d. due to unreasonable non-attendance by a Community Councillor at scheduled Community Council meetings for a period of six months (Scheme 2.12)
- 4.2 Should a vacancy or vacancies arise on a community council between elections, it shall be a requirement that the community council undertake appropriate election arrangements, in consultation with the local authority. Filling a vacancy can be undertaken through the co-option process. However, should circumstances arise that lead to the number of elected community councillors falling below **HALF** of the maximum permitted membership, the local authority shall be informed and shall undertake arrangements for an interim election to be held.

Co-option to Community Councils

- 4.3 A person may be Co-opted onto a Community Council to fill vacancies that arise between Elections.
- 4.4 Co-opted members must be eligible for membership of the Community Council as detailed in Section 2 of the Scheme.
- 4.5 Interested individuals should complete the nomination form.
- 4.6 If a member of the public completes the nomination form, it should be passed to South Ayrshire Council for the appropriate checks to be carried out.
- 4.7 Thereafter the Community Council will consider the application at the next Community Council meeting. If the Community Council agrees by a two-thirds majority of those members present and voting, to invite the person to fill the vacancy the nomination of the person must be proposed, seconded and minuted. A copy of the completed nomination should be submitted to South Ayrshire Council.
- 4.8 A Community Councillor being co-opted in this manner:
- a. counts towards the quorum.
 - b. has voting rights, with the exception of voting on co-option of new members
 - c. may hold office, except for Chairperson or Treasurer.
- 4.9 The number of co-opted members should not exceed a third of the current elected Community Council Membership. Should the ratio become greater due to any circumstances, South Ayrshire Council shall be informed and may determine arrangements thereafter for a by-election, where appropriate.
- 4.10 After 12 months from the date of their co-option to the community council the co-opted member will become a full member with the same rights and this full member will no longer be counted within the ratio of co-opted members.
- 4.11 Where a community council has sub-areas and there is a vacancy in a sub-area, a co-opted member to fill that vacancy must come from the sub-area.
- 4.12 In the event of there being more nominations than the number of vacancies, a draw by lot must take place. The appointed officer, or in his/her absence someone other than a full member of the Community Council, should place all the individual names in an open container and draw out names until the number of vacancies existing have all been filled.
- 4.13 Co-optees who fill vacancies should have their names (only) advertised within the community for a period of at least 21 days.

5. RESIGNATIONS

- 5.1 Resignations of members must be submitted in writing by hard copy or by email to the Chairperson, stating the effective date of resignation. This is not permitted to be retrospective.
- 5.2 If the Chairperson resigns then they should notify the Vice-Chair and Secretary in the same manner.
- 5.3 Any notification of resignation received should be acknowledged by the recipient within 7 days or at the next scheduled community council meeting whichever is soonest.
- 5.4 If a resignation is made during the course of a community council meeting and no written resignation is then submitted, if the resignation has been witnessed by the remainder of the members present at the meeting, then once formally minuted the resignation will stand.
- 5.5 A copy of the resignation should be forwarded to South Ayrshire Communities Officer to all records to be updated.

6. TERMS OF OFFICE OF COMMUNITY COUNCILLORS

- 6.1 Each Community Council shall hold '*Full*' elections whereby all Community Councillors demit office and stand for re-election across their boundary area every 4 years in January-March.
- 6.2 Community Councillors elected during '*Full*' elections are eligible to hold their position for the 4-year period until the next '*Full*' election; as long as they continue to conform to the requirements of this Scheme.
- 6.3 Community Councillors appointed as office bearers shall hold office for a period of 1 year, and at the next AGM they shall be eligible for re-election to hold office.
- 6.4 An individual can act in only one capacity, on a Community Council, as a Community Councillor; a Co-opted member; an Ex-Officio member or an Associated Member. Members resign one membership upon taking up another.
- 6.5 For the duration of your term as a Community Councillor, you must continue to meet the criteria.

7. MEETINGS

- 7.1 All meetings of the Community Council are open to members of the public. However, the Community Council shall retain the right to discuss items of business in private where it considers it appropriate to do.
- 7.2 All meeting notices will indicate the date, time and venue of Community Council meetings and will be published at least seven days prior to the meeting taking place. (except in cases deemed to be an emergency meeting being called under the Special Meetings).
- 7.3 The first meeting of each Community Council following the four yearly Full Election shall be convened by a representative of South Ayrshire Council (usually the Link Officer) or an Elected Member within 30 days from 1st April. The business of that meeting will include

adoption of a Constitution and Standing Orders, appointment of office bearers and any outstanding business matters from the outgoing community council.

- 7.4 In addition to ordinary meetings of the Community Council; an Annual General Meeting (AGM) shall be held in April/May of each year. Including the Annual General Meeting (AGM), the Community Council shall meet no less than 7 times throughout the year.
- 7.5 Agendas of meetings and draft minutes shall be made available for members and public access within the Community Council area at least 7 working days prior to the meeting date (except in cases deemed to be an emergency meeting being called under the Special Meetings see Scheme 7.14).
- 7.6 Minutes of the meeting and details of any decisions taken must be recorded, in writing, in the usual way and made publicly available. Full and approved copies of minutes and associated papers should be forwarded electronically to South Ayrshire Council within 14 days from the date of the meeting which approved them as a true record. Video or audio recording of meetings can only take place with the clear consent.
- 7.7 In instances of private discussions being held in whole or in part within a Community Council meeting, Community Councils must take recognition of the limitations within the GDPR regulations and acknowledge that an approved redacted minute may be made accessible to the public if available; South Ayrshire Council reserves the right of access to a full and redacted copy of all minutes; of all present, such consent to be recorded in the written minutes.

Virtual Meetings

- 7.8 Community Councils may decide to take an in-person, online or hybrid approach to their meetings, and the platform to be used for any meeting is for the Community Council to decide.
- 7.9 Virtual meetings may include members of the public where this can be accommodated, but this is not mandatory and for each Community Council to determine.
- 7.10 Whether or not they are able to attend, proper provision must be made to afford members of the public the opportunity to address the Community Council as set out in the following paragraph.
- 7.11 An Agenda for the meeting shall be published in the usual way and all Members of the Community Council and members of the public invited, in advance, to submit comments on any Agenda item to the Community Council's generic email address or by other appropriate means; such views to be considered by the Members dealing with the items of business. Comments may also be submitted during the meeting itself, but the ability to receive comments in advance will assist the Community Council in managing a remote meeting.
- 7.12 Minutes of the meeting and details of any decisions taken must be recorded, in writing, in the usual way and made publicly available. Video or audio recording of meetings can only take place with the clear consent of all present, such consent to be recorded in the written minutes.

Quorum at Meetings

- 7.13 The quorum for community council meetings shall be one third of the current voting membership of a community council (rounded up to next whole number), or 3 voting members, whichever is the greater.

Special Meetings

- 7.14 A Special Meeting, no more than 4 per annum, may be called by a simple majority of the total voting membership present and eligible to vote. See guidance for examples.

Sub-Committees

- 7.15 The Community Council may from time to time form sub-committees of at least two Community Councillors to consider specific matters.
- 7.16 The details of the remit and delegated powers of any committee should be agreed by a simple majority of Community Councillors and recorded in the Community Council minutes as soon as is practicable.

8. FINANCES

- 8.1 The financial year of each community council shall be provided for in the constitution of each community council and shall be from 1st April to 31st March in each succeeding year to allow for the proper submission of an independently examined statement of accounts to the community council's annual general meeting on a specified date in April or May,
- 8.2 The administrative grant annual accounts of each community council shall be independently examined by at least one examiner appointed by the community council, who is not a member of the community council.
- 8.3 The Independent Examiner of the Community Council's accounts shall not be a relative of a member either by birth or marriage, nor in a relationship with or live in the same address.
- 8.4 Community Councillors who are bank account signatories may not be directly related by birth, marriage, civil contract, or co-habitation etc.

Annual Account of Administration Allowance

- 8.5 South Ayrshire Council will make an initial allowance for administration, to each Community Council within its area, based on the electorate of each Community Council on the following basis. The initial allowance will be awarded at Inauguration and each CC will receive a top up allowance thereafter – which will be based on **approved** expenditure for the previous year.

| Electorate | Initial Allowance |
|-------------------------|-------------------|
| up to 2,000 | £600 |
| between 2,001 and 3,500 | £650 |
| greater than 3,501 | £800 |

- 8.6 Administration Allowances shall be for Community Council administration only and/or promotion purposes only and shall not be expended on any other purpose. All decisions in relation to the expenditure of the Administration Allowance should be minuted.
- 8.7 The administration allowance is available to cover the cost in administering Community Council business which includes:
- Advertising/general publicity and promotional activities
 - Accommodation/lots
 - Auditors fees
 - Consultation with the community
 - Data protection registration (ICO)
 - IT software/hardware/website construction and maintenance
 - Photocopying/printing
 - Stationery
 - Postage
 - Production and circulation of minutes, agenda and annual reports
 - Subscriptions
 - Telephone costs/ISP costs/ Internet Service Provider
 - Travel costs
 - Expenses for attending ceremonies
 - Subsistence
 - Honorarium
- 8.8 Payment of the allowance will be made in accordance with a procedure determined by South Ayrshire Council. The following needs be submitted:
- a. grant Application Form,
 - b. up to date Bank Statement,
 - c. must have carried out a minimum of 6 Quorate meetings and have supplied to South Ayrshire Council minutes for all meetings held,
 - d. a copy of the Community Councils Independently audited accounts,
 - e. completed and returned the self-evaluation (RAG Analysis).
- 8.9 Each Community Council shall appoint a competent Independent Examiner annually (at the AGM) to examine the Community Council's accounts who may charge a reasonable fee for their services.
- 8.10 The Independent Examiner of the Community Council's accounts shall not be a relative of a member either by birth or marriage, nor in a relationship with or live in the same address-
- 8.11 The accounts are required to be forwarded immediately, following their approval at the Community Council's Annual General Meeting in April/May of each year.
- 8.12 South Ayrshire Council may, at its discretion and in consultation with the South Ayrshire Council's Chief Internal Auditor, in circumstances of unclear and/or substantial financial transactions, require the Community Council to produce records such as vouchers; receipts; account books for example to undertake a full audit of the accounts.
- 8.13 Community Councillors should be eligible to receive from their Community Council travel and reasonable out of pocket expenses which have previously been agreed by the collective membership.

Other Grants and Assets

- 8.14 Community Councils who identify projects or other purposes consistent with its functions are free to apply for grants from external funding bodies, and other South Ayrshire Council Departments (when funds are available). Any payments from South Ayrshire Council Departments will be made in accordance with the procedure determined by the Council.
- 8.15 An inventory should be kept of all assets owned by the Community Council.

9. OTHER SUPPORT FOR COMMUNITY COUNCILS

- 9.1 South Ayrshire Council will provide each Community Council with a maximum of 13 “lets of premises” per year for the purpose of conducting their meetings. These “lets” will be provided in South Ayrshire Council properties wherever practicable, within the boundary of the Community Council area. Where South Ayrshire Council does not own suitable properties in a Community Council area, reasonable expenses for the hiring of a hall or other meeting place will be re-imbursed to Community Councils by South Ayrshire Council.

Training

- 9.2 South Ayrshire Council will endeavour to provide further assistance through, online training, Link Officer support, conferences, and online information to enhance personal development.

Insurance

- 9.3 Insurance is required for a Community Council to be operational. All Community Councils should arrange their own insurance. Community Council must renew their policy and send proof of payment to South Ayrshire Council for reimbursement of the base expense. It is the responsibility of each Community Council to ensure that their contact details are up to date with the Insurance provider.
- 9.4 It is also the Community Councils responsibility to inform the Insurance provider of any activity that may be out with the regular scope of the policy. Costs above this which relate to additional activities should be met by the individual Community Council.
- 9.5 Where Community Councils own property or equipment it is advisable that Community Councils have their own appropriate insurance cover.

Community Councils Registration with Information Commissioners Office (ICO)

- 9.6 Under the Data Protection (Charges and Information) Regulations 2018, individuals and organisation that process personal data need to pay a fee to the ICO. Every year each of our Community Councils must register and pay a fee to the ICO which can be claimed back through the Administration Allowance

10. COMPLIANCE

Supported Status

- 10.1 Where the number of Community Council members falls below the minimum number of members for a Community Council to remain established as determined by Scheme Clause 2.6, the Communities Officer will initiate the process for the Community Council to go into Supported Status provided that they consult with the

Community Council. The Service Lead, Thriving Communities will determine whether Supported Status will be implemented.

- 10.2 In any other circumstances, the Communities Officer, after reasonable consideration, and after consultation with the Team Leader may determine that the Community Council is not complying with the requirements of the Scheme and will initiate the process for the Community Council to go into Supported Status. The Service Lead will determine whether Supported Status will be implemented.
- 10.3 In order for a Community Council to be in supported status, the Service Lead will give written notification of supported status to the Community Council stating the reasons and that the Community Council would be in supported status from the date of the written notification for a period of up to six months.
- 10.4 When in supported status, the Community Council will become a steering group whose main task will be to consider matters and take action as is necessary to ensure that the Community Council will, in the future, be able to comply with the requirements of the Scheme and continue ongoing projects with support from the Communities Officer.
- 10.5 Upon the steering group satisfying the Service Lead that the Community Council would be able to comply with the requirements of the Scheme, then the reinstatement to full Community Council status will be granted in writing from the Service Lead.
- 10.6 If the steering group is demonstrating insufficient progress towards satisfying the Service Lead that the Community Council will be able to comply with the requirements of the Scheme, then the period of supported status can be extended by an additional three months to enable further progress to satisfy the Service Lead that reinstatement to full Community Council status could be achieved.
- 10.7 If the steering group are unable to satisfy the Service Lead that the Community Council will be able to comply with the requirements of the Scheme within the nine-month period, the Service Lead may determine dissolution of the Community Council.

See Appendix 5 for full guidance on Supported Status

11. DISSOLUTION OF A COMMUNITY COUNCIL

- 11.1 Representations and/or decisions in reference to dissolution of a Community Council should be considered as a last resort and ideally to be avoided. All efforts should be taken in accordance with the Scheme to ensure that all Community Council members are included in exploring options which may avoid a Community Council being dissolved.
- 11.2 Dissolution of a Community Council (except for voluntary dissolution as detailed below) can take place following supported status made in terms of Scheme Clause 10.7 above. Where after a reasonable time a Community Council remains unable to conform with the Scheme a recommendation may be made to the Full Council of South Ayrshire Council to dissolve the Community Council.
- 11.3 Prior to such a recommendation being made to the Full Council of South Ayrshire Council the Community Council will be advised in writing and given 14 days from the date of the

notification to make written representation to the Chief Governance Officer of South Ayrshire Council, as to why such a recommendation should not be made.

- 11.4 Where no such representation is received within 14 days, or where having considered such representation, the Chief Governance Officer confirms said recommendation, a report recommending dissolution of the Community Council shall be submitted to the Full Council of South Ayrshire.
- 11.5 The Full Council of South Ayrshire Council shall consider the above report and may decide to dissolve the Community Council. In the event of such a decision the Community Council will be deemed to have been dissolved with immediate effect.
- 11.6 The dissolution will be intimated by South Ayrshire Council, by giving appropriate public notice including on the South Ayrshire Council Community Council web page.
- 11.7 Where South Ayrshire Council has reasonable grounds to believe that a Community Council has been 'abandoned', and is no longer functioning, then the Service Lead will notify the Director of Communities and Transformation who in turn may (depending on the individual circumstances) report this to the Full Council of South Ayrshire Council and intimate this by appropriate notice.
- 11.8 Where for any reason, the number of Community Council members falls below the minimum number of members for a Community Council to remain established, South Ayrshire Council Service Lead can suspend the Constitution of the Community Council and may recommend to the Chief Governance Officer the subsequent dissolution of the Community Council.
- 11.9 In the event of the dissolution of a Community Council, all its assets shall transfer to South Ayrshire Council, which shall hold these for a period of one year to ascertain whether a future Community Council becomes established in that area. Following this period all assets will be subsumed into South Ayrshire Council.

Voluntary Dissolution by Resolution of the Community Council

- 11.10 If the Community Council by a two-thirds majority of the present and voting membership and present at the meeting, decides that it necessary or advisable to dissolve the Community Council, it shall agree a date for a Special Meeting to discuss the proposal to dissolve.
- 11.11 It is a requirement that at least seven days' notice is given prior to the date of such a Special Meeting. With public notices located in appropriate local venues and/or websites, or other social media.
- 11.12 If the proposal is supported by a two thirds majority of those voting members present at the Special Meeting, the Community Council shall be deemed to be dissolved with immediate effect, and the decision is subsequently notified to South Ayrshire Council within 7 days.
- 11.13 In the event of the dissolution or voluntary dissolution of a Community Council, all of its assets shall transfer to South Ayrshire Council, which shall hold these for a period of one year to ascertain whether a future Community Council becomes established in that area. Following this period all assets will be subsumed into South Ayrshire Council.
- 11.14 In the event of the dissolution of a Community Council, within 10 working days (or

such time agreed by the Communities Officer), the former office bearers of the Community Council must:

- Deliver all papers, minute books, digital information to the Community Council Liaison Officer,
- Transfer all funds to the Council either by cheque (where no online banking is used) or electronically (Council bank details will be provided),
- Close the bank account(s); and
- Close any Community Council social media accounts.

11.15 After dissolution of the Community Council the former members must not engage in or use any media or social media purporting to be representative of the Community Council.

11.16 In the event of a Community Council being dissolved, a new Community Council can be established after 6 months and in line with the process.

12. INTERNAL COMMUNITY COUNCIL COMPLAINTS

12.1 Clause 12 of the Scheme is for addressing matters of concern and/or complaints **which may arise internally** from within individual Community Councils.

12.2 All Community Councils should keep a clear audit trail of any complaints from within its members to ensure transparency of process whilst retaining the appropriate level of confidentiality. A complaint against another member may be shared with that member only in the first instance, to provide them with time to reflect on the content of the complaint and to prepare an appropriate response, before the complaint is shared with the collective membership for discussion.

12.3 The Community Council can invoke Scheme Clause 7.1 and Constitution Clause 13k which enables a Community Council to hold a meeting, or parts of a meeting, in private where it considers it appropriate to do so.

12.4 Stage 1

a. The complaint should be made in writing and submitted to the Community Council Chairperson. In the event of the complaint being made about the Chair the letter should be sent to the Secretary who will pass it on to the Vice Chair or another appointed person, making clear:

- the nature of the complaint
- the grounds which support it; and
- including evidence which substantiates the grounds.

b. The Chairperson or another appointed person of the Community Council should:

- Acknowledge receipt of the complaint by letter or e-mail as soon as possible,
- Provide South Ayrshire Communities Officer with a copy of the complaint for monitoring purposes,
- Make the subject only of the complaint aware of the complaint by letter or e-mail and provide them with a copy of the complaint,
- Contact the complainant and the person being complained about to

discuss the nature of the complaint to see if it is possible to resolve the complaint without progressing further,

- Resolution should be taken to the satisfaction of the complainant which may result in withdrawal of the complaint or an agreed action put in place. Any such agreement should be recorded in writing and retained for 12 months, then destroyed securely,
- Advise the South Ayrshire Communities Officer of the outcome and the action taken.

| Chairperson or appointed persons Permitted Actions | |
|---|--|
| No Breach | No Sanction |
| Breach | <ul style="list-style-type: none"> • Ask the member to apologise • Advise that Training would be beneficial to prevent similar incidents in the future • Advise that for a period of 3 months, contact should be restricted between the parties • Advise behaviour would be monitored for a period of 3 months |
| Serious Breach | Refer to Stage 2 |

12.5 Not resolved at Stage 1

- Complaints not resolved at stage 1 can now be shared with the other members of the Community Council for consideration.
- Where the complaint has not been resolved at stage 1, the Chair or appointed person who dealt with the complaint shall within seven days of identifying that the complaint cannot be resolved:
 - Advise both parties that the matter will have to be heard by the other Community Council members.
 - Advise both parties that they have up to seven days to provide, a written statement to support their position and that the written statements would form part of the information provided to the other members.
 - Notify the South Ayrshire Council Communities Officer and provide them with a copy of the written statements on receipt.

12.6 Complaints Process for Community Council Member

- The members must appoint a chairperson and a note taker.
- The members need to consider whether the complaint has merit and whether they are required to make any further decision. If the members determine that there is no merit, then the process ceases, and the parties must be informed.
- If the complaint does have merit, then the members must determine if they are able to decide based on the information before them. If there is enough information, then the panel will make its decision and notify both parties.
- If the members are unable to decide and require additional information then they must:
 - Seek supporting information from both parties and any witnesses,
 - Consider the complaint and any supporting information provided,

- If necessary, undertake interviews to aid the investigation of the complaint,
- Determine whether a breach has occurred, and if so, what course of action is required and inform all parties of their decision in writing by letter or e-mail within 28 days from the date of receipt of the complaint,
- A majority vote of no less than two thirds of the present and voting constituted members must be reached before any initial suspension or sanction can be proposed and carried by the Community Council. Voting can be conducted by secret ballot if preferred,
- Provide a written note of the complaint, the members process and the outcome to the Communities Officer for monitoring purposes and for them to support any training that may be required,
- The Secretary or appointed person of the Community Council shall put in writing to the individual, the outcome from the meeting; to be received by the individual no later than 7 days from the date of the meeting which made the proposal.

e. The members can determine the following sanctions:

| Internal complaint against a Community Councillor | | |
|---|--|--|
| Degree Of Breach | Possible Sanctions | Requirement |
| No Breach | No sanction | None |
| Breach | <ul style="list-style-type: none"> • Apology • Training (exact nature to be identified) • Mentoring • Restriction of communication between parties (to be clearly specified) • Written undertaking to behave within the Code of Conduct | Must be by at least a two thirds majority of the members |
| Serious Breach | <ul style="list-style-type: none"> • Suspension for a set period up to six months • Instruction to stand down from an Office Bearer position. • Expulsion. This must be unanimous decision of the Panel. | Must be by at least two thirds majority of the members |

f. If the member is dissatisfied with the outcome at stage 1 then they can appeal in writing within 14 days of receipt of the decision letter. to a specially appointed trained Panel of 3 Office Bearers from other Community Councils.

12.7 Stage 2

- Stage 2 deals with complaints that have not been resolved at stage 1.
- Stage 2 complaints will be referred to a Panel of three Community Councillors from within the pool of members. Members will be drawn from other Community Councils.

12.8 Not resolved at Stage 1

- Where the complaint has not been resolved at stage 1, the Chair or appointed person shall within seven days of identifying that the complaint cannot be resolved:
 - Advise both parties that the matter will have to be heard by the complaints panel,

- Advise both parties that they have up to seven days to provide, a written statement to support their position and that the written statements would form part of the information provided to the Complaints Panel, including the grounds for appeal and evidence which substantiates the grounds,
- Notify the Communities Officer so that a Panel can be convened.
- On receipt of written statements submit these to the Communities Officer, to ensure receipt within the 14-day timeline.

12.9 Responsibility for inviting, appointing, and training the Panel will rest with South Ayrshire Council.

12.10 Complaints Panel Process

- The Panel must appoint a chairperson and a note taker.
- The Panel needs to consider whether the complaint has merit and whether the Panel is required to make any further decision.
- If the Panel determines that there is no merit, then the process ceases, and the parties must be informed. The panel should provide a written note of the complaint, the panel process and the outcome to the Communities Officer for monitoring purposes. Both parties to be notified.
- If the complaint does have merit, then the Panel must determine if they are able to make a decision based on the information before them. If there is enough information, then the panel will make its decision and notify both parties.
- If the Panel are unable to make a decision and require additional information, then they must:
 - Seek supporting information from both parties and any witnesses,
 - Consider the complaint and any supporting information provided,
 - If necessary, undertake interviews to aid the investigation of the complaint,
 - Determine whether a breach has occurred, and if so, what course of action is required. A full response to the complaint within 30 working days or sooner, from the date of the Panel meeting which arrives at a conclusion, unless there are circumstances which may not make this possible. If the latter arises then the Community Council should notify the complainant that their complaint remains subject to ongoing consideration,
 - Provide a written note of the complaint, the panel process, and the outcome to the Communities Officer for monitoring purposes and for them to support any training that may be required,
 - Report will be sent to both parties within 7 days of receipt by the Communities Officer.
- The Panel can determine the following sanctions:

| Internal complaint against a Community Councillor | | |
|---|--|--|
| Degree Of Breach | Possible Sanctions | Requirement |
| No Breach | No sanction | None |
| Breach | <ul style="list-style-type: none"> • Apology • Training (exact nature to be identified) • Mentoring | Must be by at least a two thirds majority of the Panel |

| | | |
|----------------|---|--|
| | <ul style="list-style-type: none"> • Restriction of communication between parties (to be clearly specified) • Written undertaking to behave within the Code of Conduct | |
| Serious Breach | <ul style="list-style-type: none"> • Suspension for a set period up to six months • Instruction to stand down from an Office Bearer position. • Expulsion. This must be unanimous decision of the Panel. | Must be a two thirds majority of the Panel |

- 12.11 The final decision to uphold the complaint or overturn it rests solely with the specially appointed trained Panel of 3 Office Bearers. If further clarification if required, the Chair of the Panel can be contacted via the Communities Officer.
- 12.12 Any period of censure taken against a Community Councillor will last for a maximum of 6 months from the date on the written notice. This period can be shortened at the discretion of the Community Council which raised the original proposal. **NOTE** – this does not create a vacancy within the Community Council.
- 12.13 If a decision is taken to expel a member due to a serious breach then they are unable to re-apply for a minimum period of 12 months.

Leave of Absence

- 12.14 A leave of absence may be granted/requested by individual members should personal matters and/or certain circumstances arise. This can be requested in person if the member is at the next meeting or in writing if unable to attend.
- 12.15 If the Community Council agrees by a two-thirds majority of those members present and voting, to grant a leave of absence then this decision should be minuted, stating how long the leave of absence is granted for.
- 12.16 If the member is not in attendance at the meeting the Secretary or relevant person should write to the member with the decision.

Other reasons to demit office

- 12.17 Membership is invalidated should a Community Councillor's name be removed from the electoral register.
- 12.18 If any member of a Community Council fails to attend any Community Council meeting, with or without submitting apologies, throughout a period of six months, the Community Council may terminate their membership, provided that the termination of the membership is an agenda item at a quorate meeting and that a two thirds majority of those attending and voting agree to the termination
- 12.19 At the discretion of individual Community Councils, a period of leave of absence for Community Council members may be granted ensuring that the active membership remains above the minimum number required.

13. PLANNING AND LICENSING

- 13.1 Alongside the above South Ayrshire Council have a statutory duty to consult on Licencing and Planning and any others introduced through legislation from time to time.
- 13.2 South Ayrshire Council will notify Community Councils of all new premises licence applications and applications for variations (all relating to alcohol) made within its area. Applications for occasional licences will only be advertised on the Council's website at www.south-ayrshire.gov.uk/licensing. Some licensing applications are publicised by notice at the site. It is the responsibility of individual members of the public to observe these notices and raise an objection.
- 13.3 South Ayrshire Council has a statutory obligation to consult with Community Councils regarding planning applications, and to make representations about planning. To facilitate this, a weekly list of planning applications is circulated to Community Councils which is also published on the Council's web-site: <http://www.southayrshire.gov.uk/planning/register.aspx>
- 13.4 The list contains basic information regarding the applicant, agent, site address, and a brief description of the proposed development.

14. EQUAL OPPORTUNITIES

- 14.1 Recognition should be given to the contribution of everyone participating in the work of the Community Council.
- 14.2 South Ayrshire Council further acknowledges that Community Councillors are volunteers who give up their own time to undertake the work of Community Councils.
- 14.3 Community Councils must comply with the Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.

15. DATA PROTECTION – GDPR

- 15.1 South Ayrshire Council handle your information following the GDPR guidelines. A copy of the South Ayrshire Council privacy notice for Community Councils, and an example privacy notice for Community Councils to adopt can be provided.
- 15.2 Community Councils should familiarise themselves with GDPR regulations to ensure that they comply with regulations when handling information regarding members etc.

Information Commissioner Office (ICO)

- 15.3 Under the Data Protection (Charges and Information) Regulations 2018, individuals and organisation that process personal data need to pay a fee to the ICO. Every year each of our Community Councils must register and pay a fee to the ICO which can be claimed back through the Administration Allowance.

16. ALTERATIONS TO THE CONSTITUTION

- 16.1 Any proposal by the Community Council to amend its Constitution must be first considered and minuted at a meeting of the Community Council, before representation is made to South Ayrshire Council.
- 16.2 Any proposal to alter its Constitution must be delivered in writing to the Secretary of the Community Council not less than twenty-eight days prior to the date of the meeting at which it is first to be considered. The terms of the proposed resolution to alter the Constitution shall be highlighted and stated on the notice calling the meeting.

- 16.3 If the resolution is supported by two-thirds of the elected membership of the Community Council and is approved (ratified), in writing, by South Ayrshire Council or its appointed officer, the alteration shall be deemed to have been duly authorised.
- 16.4 All proposed or actual alterations will require to conform to the Scheme.
- 16.5 The authorised amendment to the Constitution shall be stated on the 7-day notice calling the next meeting.

17. GUIDANCE

- 17.1 This Scheme can be read in conjunction with the Guidance for Community Councils which provides additional information to assist Community Councils with interpretation of the Scheme. The Guidance document is subject to ongoing internal review by the Council.

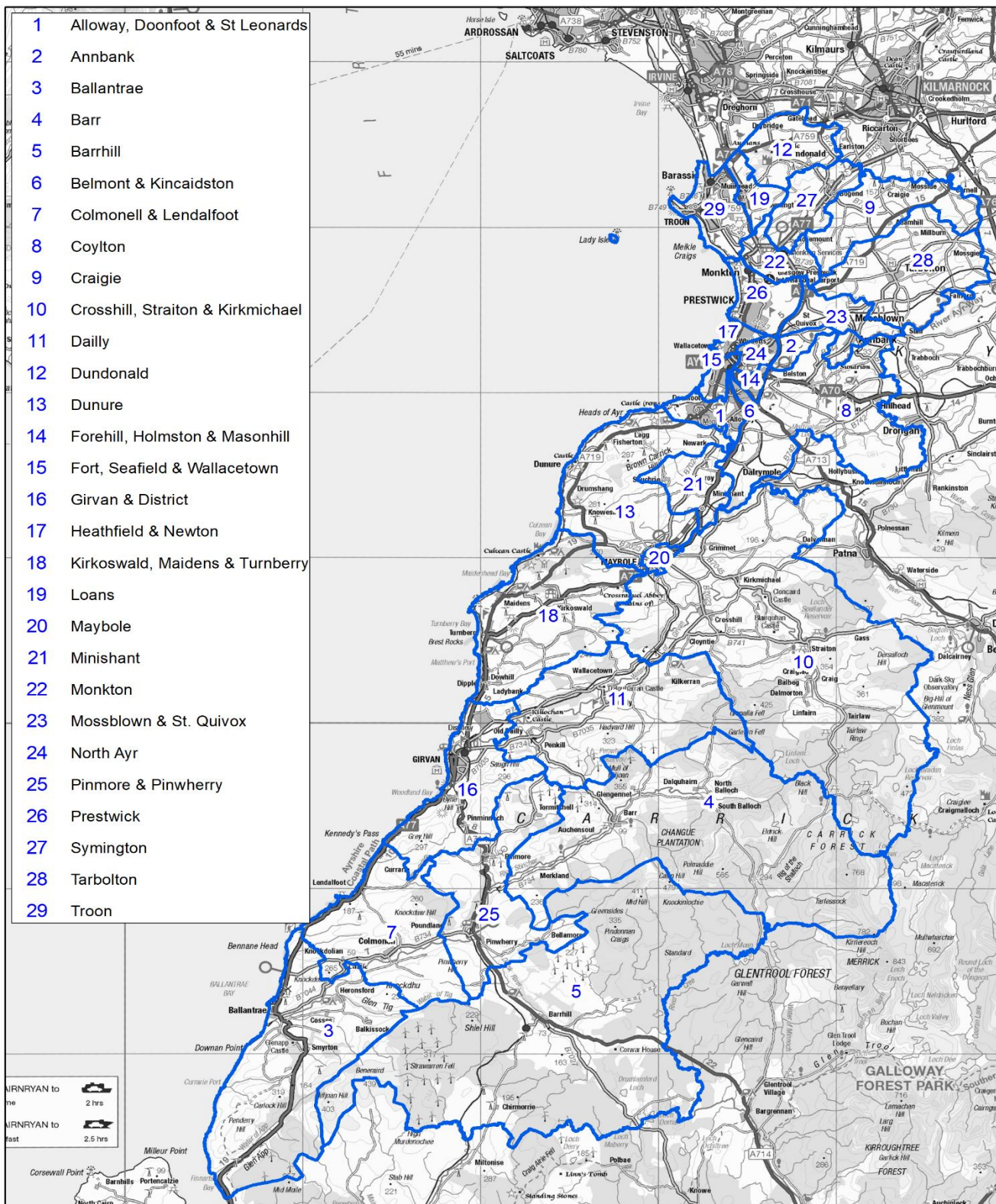
18. HUSTING EVENTS

- 18.1 If Community Councils decide to organise and host Hustings events; they should abide by their non-party political status and shall ensure that they are seen by the entire community which they represent, as being non-party political during any such event.
- 18.2 Meetings of Community Councils are open to the public and therefore any prospective political candidates would be able to attend in their capacity as a member of the public. However, they should not be invited to address the meeting unless it would be as part of an appropriately organised Hustings event, with all candidates having been invited and given equal opportunity to address the meeting.
- 18.3 To be clear in relation to hosting a Hustings, Community Councils should ensure that they invite all prospective political candidates standing in the area or alternatively do not extend an invitation to any of them i.e. all or none.
- 18.4 Additional advice (of particular significance during a local authority election period) is that in order for Community Councils to be seen to maintain their political neutrality, that if they include any electronic links to political parties by email and/or social media, this should be in the same vein as extending invitations to prospective candidates to attend a Hustings event i.e. include electronic links to all political parties or none of them.

19. GENERAL PUBLIC COMPLAINTS

- 19.1 Community Councils should adhere to the Governance, including the Code of Conduct, for Community Councils. However, from time to time, complaints from the public may be made about Community Councils and individually against Community Councillors.
- 19.2 If you are dissatisfied or have concerns about the standard of service, actions or lack of action provided by your Community Council or one or more of its members, these can be reported through the Complaints Procedure for Community Councils, see Appendix 6.

APPENDIX 1



Community Councils



Scale 1:285700



This product includes mapping data licenced from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2022. All rights reserved. Licence number 100020765.

SOUTH AYRSHIRE COUNCIL
NAME, DESCRIPTION AND MEMBERSHIP OF COMMUNITY COUNCIL

| Name of Community Council | No of Members | South Ayrshire Council Electoral Ward(s) | Number of Electors |
|--|---------------|--|--------------------|
| Alloway, Doonfoot and St Leonards | 16 | 5 | 7901 |
| Annbank | 9 | 6 | 776 |
| Ballantrae | 10 | 8 | 514 |
| Barr | 10 | 8 | 245 |
| Barrhill | 10 | 8 | 254 |
| Belmont and Kincaidston | 13 | 4 | 4074 |
| Colmonell and Lendalfoot | 10 | 8 | 300 |
| Coylton | 10 | 7 | 2929 |
| Craigie | 10 | 6 | 284 |
| Crosshill, Straiton and Kirkmichael | 10 | 7 | 1410 |
| Dailly | 10 | 8 | 897 |
| Dundonald | 11 | 6 | 2229 |
| Dunure | 10 | 7 | 714 |
| Forehill, Holmston and Masonhill | 14 | 4 | 5966 |
| Castlehill/Masonhill/New Holmston | 7 | | |
| Holmston and Forehill | 7 | | |
| Fort, Seafield and Wallacetown | 15 | 5 | 6154 |
| Fort | 5 | | |
| Seafield | 7 | | |
| Wallacetown | 3 | | |
| Girvan and District | 14 | 8 | 5308 |
| Kirkoswald, Maidens and Turnberry | 10 | 8 | 963 |
| Loans | 9 | 6 | 666 |
| Maybole | 12 | 7 | 3479 |
| Minishant | 10 | 7 | 439 |
| Monkton | 10 | 6 | 967 |
| Mossblown & St Quivox | 11 | 6 | 2060 |
| Newton and Heathfield | 14 | 3 | 5973 |
| Newton | 3 | | |
| Heathfield | 11 | | |
| North Ayr | 15 | 3 | 6894 |
| Whitletts and Lochside | 6 | | |
| Dalmling | 5 | | |
| Craigie | 4 | | |
| Pinwherry and Pinmore | 10 | 8 | 212 |
| Prestwick | 18 | 2 | 12289 |
| Symington | 10 | 6 | 1336 |
| Tarbolton | 10 | 6 | 1755 |
| Troon | 18 | 1 | 12449 |

South Ayrshire Council

Constitution for Community Councils

[Name of individual Community Council]

This Appendix forms part of the core Governance arrangements for Community Councils in South Ayrshire

1. Name

The name of the Community Council shall be [insert name] Community Council, which will subsequently be referred to as “the Community Council” in this Constitution.

2. Area of the Community Council

The area of the COMMUNITY COUNCIL shall be as shown on the map attached to the local authority’s Scheme for the Establishment of Community Councils.

3. Objectives

The objectives of the Community Council shall be to:

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

4. Role and Responsibilities

In the discharge of their functions and the conduct of their business, the Community Council and its membership shall have regard to their role and responsibilities as set out in the Scheme for the Establishment of Community Councils, approved by the local authority and the Community Councillors’ Code of Conduct.

5. Membership

The COMMUNITY COUNCIL’S membership is as governed by Clause 2 of the Scheme for the Establishment of Community Councils and as determined from time to time by the local authority.

6. Equality and Diversity

It shall be the duty of every Community Council to ensure that its general responsibilities and activities are carried out fully in accordance with current Equalities legislation.

7. GDPR 2018

It is the duty of every Community Council to comply with the General Data Protection Act (GDPR) 2018.

8. Method of Election

Election procedures are governed by Clause 3 of the Scheme for the Establishment of Community Councils.

9. Vacancies on the Community Council

9.1

(a) Where a vacancy arises the Community Councillors can agree to fill the vacancy in accordance with Scheme Clause 4 relating to Co-option. South Ayrshire Council requires to be notified if the membership falls below half.

(b) The ratification of appointments of Co-optee members to fill the vacancy/vacancies rests wholly with the existing constituted membership; although the validation of nomination forms rests with South Ayrshire Council.

9.2 Associate Members

An associate member does not require to reside within the community council area and may serve for a fixed period as determined by the community council or for the term of office of the community council that has appointed them.

10. Voting Rights of Members of the Community Council

- (a) The right to vote at any meeting of the Community Council or any committee thereof shall be held by all Community Councillors whether elected or co-opted, but not by Ex-Officio members or Specialist Co-optees.
- (b) Although all Community Councillors hold the right to vote; a recommended approach to decision-making is working together to support Community Council's to make decisions based upon reaching a consensus.
- (c) Notwithstanding, and with the exception of instances relating to clauses of this Constitution, all decisions of the Community Council, which may require a vote, will be decided by a simple majority of those present and eligible to vote. **There is no provision for proxy votes.**
- (d) In the event of a vote of the Community Councillors that results in a majority not being achieved, the chairperson shall have a casting vote.

11. Election of Office-Bearers

- (a) In April/May of each year, as part of the Annual General Meeting, the Community Council shall elect a Chairperson, Secretary and Treasurer; and other such office-bearers as it may decide necessary e.g. Vice-chair, Minute Secretary as well as a Planning and Licencing contact
- (b) All office-bearers shall be elected for one year, but shall be eligible for re-election, without limitation of time.
- (c) Every effort should be made to appoint one person to each position, however, it is permissible for one person to hold more than one office if necessary (e.g. Secretary/Treasurer).

12. Sub-Groups of the Community Council

The Community Council may appoint Community Councillors to sub-groups of the Community Council and shall determine their composition, terms of reference, duration, duties and powers.

13. Meetings of the Community Council

- (a) The Community Council shall abide by the Scheme, Code of Conduct and Standing Orders to ensure the proper conduct of its meetings.
- (b) The quorum for Community Council meetings shall be at least one third of the current eligible voting membership, or 3 eligible voting members, whichever is the greater.
- (c) In April/May of each year the Community Council shall convene an Annual General Meeting (AGM). for the purpose of receiving and considering the Chairperson's annual report on the Community Council, the submission and approval of the independently examined annual statement of accounts and the appointment of office bearers.
- (d) Including the Annual General Meeting (AGM), the Community Council shall meet no less than 7 times throughout the year.
- (e) Dates, times, and venues of regular meetings of the Community Council should be identified at the first meeting of the Community Council following the Annual General Meeting (AGM) and/or elections. Meeting arrangements can be subject to review by the Community Council periodically thereafter but no later than at the following year's AGM.
- (f) South Ayrshire Council has the discretion to call a meeting of the Community Council at any time.
- (g) Copies of all minutes of meetings of the Community Council and of sub-groups thereof shall be approved at the next meeting of the Community Council.
- (h) A draft minute shall be circulated at least 7 days prior to its next meeting, to Community Council members, other appropriate parties and South Ayrshire Council Communities Officer for Community Councils.
- (i) An approved minute will be forwarded to South Ayrshire Council within 14 days of the date of the meeting.
- (i) The COMMUNITY COUNCIL has a duty to be responsive to the community it represents. Should the Community Council receive a written request (petition), signed by at least 20 persons resident within the Community Council area to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the Community Council.
- (j) Special Meetings shall require at least 7 days public notice, and the wording of the motion calling the meeting should be set out on the agenda.
- (k) All meetings of the Community Council are open to members of the public. However, the Community Council shall retain the right to discuss items of business in private where it considers it appropriate to do so e.g. internal Governance matters, complaints, etc.

14. Public participation in the work of the Community Council

- (a) All meetings of the Community Council and its committees shall be open to members of the public. Proper provision is to be made for the accommodation of members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the Community Council under the guidance of the Chairperson.
- (b) Notices calling meetings of the Community Council and its committees shall be posted prominently within the Community Council area for a minimum period of 7 days before the date of any such meeting, and, where possible, be advertised by other suitable means

including Community Council or local authority websites and social media channels where available.

15. Information to South Ayrshire Council

- (a) South Ayrshire Council shall be sent, minutes of all meetings; the annual chairperson's report; the Independently Examined Statement of Accounts and any other information, as may reasonably be required by South Ayrshire Council.
- (b) When Special Meetings of the Community Council are to be held, South Ayrshire Council should be advised of the date, time, venue and subject(s) of debate at such meetings 7 days in advance of the meeting date.
- (c) In relation to the Special Meeting at 15(b) above: South Ayrshire Council may appoint an officer to act as the principal point of contact for matters relating to the Community Council if required.

16. Control of Finance

- (a) The Treasurer shall keep proper accounts of the finances of the Community Council.
- (b) All monies raised by or on behalf of the COMMUNITY COUNCIL or provided by the local authority and other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by the local authority in the annual Administrative Grant for administrative and other approved purposes shall be used only as prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the community council), or in the absence of such terms, for the furtherance of the objectives of the COMMUNITY COUNCIL.
- (c) Any two of the three authorised signatories, who need not be office-bearers of the Community Council, may sign cheques on behalf of the Community Council; the Treasurer should assume one of the three authorised signatory roles. Authorised signatories may not be related by birth, marriage, civil contract or co-habitation.
- (d) A statement of accounts for the last financial year, examined by a competent independent examiner appointed by the Community Council, who are not members of the Community Council, shall be submitted to the April/May Annual General Meeting of the Community Council and shall be available for inspection.
- (e) The financial year of the Community Council shall be from 1 April in any year until 31 March in the succeeding year. An independently examined statement of accounts as received and approved by the Community Council should be submitted to South Ayrshire Council following the Community Council's Annual General Meeting.

17. Assets

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.

18. Alterations to the Constitution

- (a) Any proposal by the Community Council to alter this Constitution must be first considered by a meeting of the Community Council and the terms of the proposal to alter the Constitution

shall be stated on the notice calling the meeting, which shall be issued not less than seven days prior to the meeting. Any proposed alterations may not prejudice the terms and objectives contained within the Scheme for the Establishment of Community Councils.

- (b) If the proposal is supported by two-thirds of the total voting membership of the Community Council and is approved in writing by the local authority, the alteration shall be deemed to have been duly authorised and can then come into effect.

19. Supported Status and Dissolution

- (a) Where for any reason it is deemed by South Ayrshire Council that a Community Council is not conforming to the Scheme, South Ayrshire Council, can put the Community Council into supported status in terms of Clause 10.
- (b) If the COMMUNITY COUNCIL by a two-thirds majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to dissolve. It is a requirement that not less than ten days prior to the date of such meeting a public notice be given by means of notification in the local newspaper as well as through Community Council and local authority websites and social media channels, where available. If the resolution is supported by a majority of those persons present and qualified to vote and is approved by the local authority, the Community Council shall be deemed to be dissolved and all assets remaining, subject to the approval of the local authority, after the satisfaction of any proper debts or liabilities shall transfer to the local authority who shall hold same in Trust for a future Community Council representing that area for 12 months.
- (c) In the event that the COMMUNITY COUNCIL is dissolved under the above procedure, and twenty or more electors subsequently wish the re- establishment of a Council for the area, these electors shall submit a requisition to the local authority in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Returning Officer shall arrange for elections to be held in accordance with the Scheme for the Establishment of Community Councils.
- (d) Where for any reason, the number of Community Council members falls below the minimum specified in the Scheme for the Establishment of Community Councils the local authority may, by suspending the Constitution of the Community Council, cause the Community Council to be dissolved and in this event, the procedures for the establishment of a new Community Council being those identified in the immediately preceding paragraph hereof, shall be initiated.

20. Approval and adoption of the Constitution

- (a) ***This Constitution was adopted by _(name)_____ Community Council on:***

- Date
- Chairperson (signature)
- Member (signature)
- Member (signature)

- (b) ***and was approved on behalf of South Ayrshire Council on:***

- Date

- SAC Officer (signature)
- Print name

DRAFT

APPENDIX 3



South Ayrshire Council

Code of Conduct for Community Councillors

This Appendix forms part of the core Governance arrangements for Community Councils in South Ayrshire

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

The Code of Conduct for Community Councillors is largely based on the Code of Conduct for South Ayrshire Council councillors and relevant public bodies as provided for in:

- ***The Ethical Standards in Public Life etc. (Scotland) Act 2000***

Community councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct.

The Code of Conduct and its principles shall apply to all Community Councillors and those agreed and minuted as representing the Community Council. These principles are as follows:

1. ***Service to the Community (Public Service)***
2. ***Selflessness***
3. ***Integrity***
4. ***Objectivity***
5. ***Accountability and Stewardship***
6. ***Openness***
7. ***Honesty***
8. ***Leadership***
9. ***Respect***

1. Service to the Community

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent.

You also have a duty to act in accordance with the remit of South Ayrshire Council's Scheme for Establishment of Community Councils (2020) (the 'Scheme'), as set out by South Ayrshire Council under the terms of the Local Government (Scotland) Act 1973.

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

You should ensure that you are, within reason, accessible to your local community and local residents.

Various mechanisms to enable the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should be made available where appropriate.

2. Selflessness

You have a duty to take decisions solely in terms of the interests 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.

3. Integrity

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

If you have any such private and/or personal interest in a matter to be considered by the Community Council, you have a responsibility to declare this and if deemed necessary by other members, withdraw from discussions and the decision-making process with regard to that matter.

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

4. Objectivity

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

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

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

5. Accountability and Stewardship

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

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

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in South Ayrshire Council's Scheme.

Community Councillors must also ensure that all resources are used efficiently, effectively, and fairly and are used strictly for the purposes of Community Council business and for no other purpose.

Draft minutes of meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting and no later than seven days prior to the next meeting.

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

6. Openness

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

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

7. Honesty

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

Community Councillors must not bring themselves or their Community Council into disrepute through their actions, public discussions, or communications, including anonymous online activity or commentary that would otherwise breach this Code.

8. Leadership

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

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

9. Respect

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

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You must comply with Equal Opportunities legislation including the Equality Act 2010 and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill, and experience considered.

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

You must behave openly and honestly, treating fellow Community Councillors, ex-officio members, council officers, and community members in a positive, respectful, and non-discriminatory manner always, including at meetings and in online spaces.

Community Councillors must support and respect the roles of office bearers and refrain from undermining their confidence or authority. Personal attacks, ridicule, or conduct intended to humiliate others whether in person, during meetings, in correspondence, or on social media will be considered a serious breach of this Code.

Bullying or harassment is completely unacceptable and will be a breach of the Code.

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.

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.

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. Bullying can arise because 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.

APPENDIX 4



South Ayrshire Council

Standing Orders for Community Councils

This Appendix forms part of the core Governance arrangements for Community Councils in South Ayrshire Council

1. Meetings

- (a) All meetings of Community Councils are open to members of the public subject to Clause 7.1 of the Scheme.
- (b) The frequency of meetings will be determined by each Community Council, subject to Clause 7.4.
- (c) Ordinary meetings of the Community Council should ideally be held on the same day in each of the months where a meeting is scheduled.
- (d) 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 South Ayrshire Council by the Secretary of the Community Council, at least 7 days before the date of the meeting.
- (e) Special Meetings may be called at any time under Clause 7.14 of the Scheme for Establishment of Community Councils.

2. Minutes

Minutes of the proceedings of a meeting of the Community Council shall be drawn up timeously and be distributed in accordance with the Community Councils Responsibility's Part e of the Scheme for Establishment of Community Councils and be submitted for approval to the next meeting of the Community Council.

3. Quorum

A quorum shall be one-third of the current voting membership of the Community Council, or 3 voting members, whichever is the greater.

4. Order of Business

(i) Ordinary Meeting

Order of business at Ordinary meetings of the Community Council should include: -

- i. Recording of membership present and apologies received.
- ii. The minutes of the last meeting are submitted for approval.
- iii. Any matters arising are addressed.
- iv. Correspondence.
- v. Monthly Reports
- vi. Consideration of other agreed items of business as directed by the Chairperson.
- vii. Any other competent business.
- viii. Questions from the floor.
- ix. 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 (AGM), 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 AGM minutes should be presented to the next ordinary meeting of the Community Council following the AGM for the purposes of establishing accuracy and noting their availability to the public. Although they remain in draft form until approved at the following year's AGM.

The order of business at Annual General Meetings (AGM) of the Community Council shall be as follows:

- i. Record membership attendance and apologies received,
- ii. Approve the presented minutes of the last Annual General Meeting (AGM),
- iii. Chairperson's annual report (and questions from the floor),
- iv. Secretary's annual report (and questions from the floor),
- v. Treasurer's submission of balance sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor),
- vi. Current office bearers step down,
- vii. Election of office bearers,
- viii. Confirm that the Constitution is signed and dated by the Chairperson and 2 other members of the Community Council (if there is a change to the Chairperson a new constitution needs to be signed and submitted to South Ayrshire Council),
- ix. Note the appointment of Associate Members,
- x. Review the Inventory and Additional Resources (See Constitution Clause 17),
- xi. Chairperson to declare that a date in April/May of following year will host the next AGM and close meeting.

(iii) Special Meeting

The order of business at Special Meetings of the Community Council shall be as follows: -

- i. Recording of membership present and apologies received.
- ii. Business for debate, as described in the calling notice for the special meeting
- iii. Chairperson to close meeting.

4. Order of Debate

- (a) The Chairperson shall decide the order of all questions, relevancy and competency arising at meetings of the Community Council and their ruling shall be final and shall not be open to discussion.
- (b) The Chairperson shall also determine the order, relevancy, and competency of all questions from the public in attendance at meetings of the Community Council.
- (c) The Chairperson in determining the order, relevance and competency of business and questions shall have regard to the importance 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.
- (d) The Chairperson shall have the power, in the event of disorder arising at any meeting, to adjourn the Community Council meeting to the next scheduled meeting or another fixed time and/or date.
- (e) In instances of the Chairperson's absence, the meeting should proceed through the Vice-Chairperson or other interim Chairperson as agreed by the members present.
- (f) Every motion or amendment shall be proposed and seconded.
- (g) After a proposer of a motion has been called on by the Chairperson to reply, no other members shall speak to the motion or amendment.
- (h) A motion or amendment once made and seconded shall not be withdrawn without the consent of the proposer and seconder thereof.
- (i) A motion or amendment which is contrary to a previous decision of the Community Council shall not be competent within 6 months of that decision; unless an error or new information becomes available which requires further consideration

5. 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.-i

- (b) The Chairperson of a meeting of the Community Council shall have a casting vote as well as a deliberative vote.
- (c) In instances of the Chairperson's absence their casting vote is transferred to the Vice-Chairperson or other interim Chairperson, as previously agreed by the members present.

6. Alteration to Standing Orders

- (a) A proposal to alter or add to these Standing Orders may be proposed to South Ayrshire Council at any time by the Community Council, if notice of a motion to that effect is given at the meeting of the Community Council previous to that at which the motion is discussed.
- (b) South Ayrshire Council shall have final discretion on any proposed change to these Standing Orders.

7. Sub-Groups

The Community Council may appoint sub-groups as it may from time to time decide and shall determine their composition, terms of reference, duration, duties, and powers.

8. Suspension of Standing Orders

These Standing Orders shall not be suspended except at a meeting at which two-thirds of the stated constituted membership number of Community Council members are present and then only if the proposer states the object of their motion and if two-thirds of the Community Council members present consent to such suspension.

APPENDIX 5



South Ayrshire Council

Supported Status

This Appendix forms part of the core Governance arrangements for Community Councils in South Ayrshire

Introduction

When a Community Council moves into supported status it will be provided with:

- Reasons for its move to supported status.
- Confirmation of the period of supported status.
- Information about what they need to achieve by the Steering Group to reinstate Community Council status.

What is a Steering Group?

- It is the remaining members of the Community Council (as long as it remains above the quorum of one third of the remaining membership of the Community Council or four members, whichever is the greater).
- If a steering group drops below the quorum for the Community Council, it will immediately be moved to dissolution and appropriate action will be taken by Service Lead, South Ayrshire Council

What must the Steering Group do?

- Meet as a Group to rectify the issues that resulted in them being in supported status.
- Appoint the Communities Officer or another council officer as the Chair of the Steering Group.

What can the Steering Group do?

- Continue with any live projects that were already in progress when the Community Council went into supported status with the support of the Communities Officer (it should be noted that the insurance cover in place for Community Councils will remain operational whilst the Community Council is in supported status).
- Complete financial transactions agreed by the Community Council when it was operational.
- Take decisions on expenditure for the live projects ONLY.

What must the Steering Group not do?

- Undertake any work relating to the statutory functions of a Community Council – planning, licensing and other consultations
- Agree any expenditure out with the live projects
- Spend any funds unless they had approval prior to supported status
- Send any correspondence in the name of the Community Council
- Undertake any social media activity or update the website other than to inform the community of the status of the Steering Group, publish SG minutes or to promote the need for additional members.
- Apply for any funding for the Community Council

Holding of Meetings

- Meetings should be held at least every six weeks
- Meetings are for members of the Steering Group only and any supporting officers, but they would not be involved in any decisions
- Notes of actions and decisions will be taken and circulated to members and made available for the community to see
- Agendas will be prepared and circulated by the Communities Officer
- Meetings will be held in Council premises or online wherever possible to remove the need for expenses to be incurred.

Next Stage

- If within the six-month period the Steering Group satisfies the Service Lead that the Community Council will in the future be able to comply with the requirement of the Scheme and have met the expectations set out when they went into supported status, then reinstatement of Community Council status will be granted by written notice from the Service lead.
- If the Steering Group has not managed to achieve the required outcomes within the six-month period, the Service Lead will review the progress made by the Steering Group.
- If the Service Lead considers that significant progress has been made, they may consider an extension of 3 months to the supported status period to allow the Steering Group to complete its work.
- If the Service Lead considers that little or no progress has been made, they may consider that it is appropriate to move to dissolution of the Community Council.

DRAFT

APPENDIX 5



South Ayrshire Council

General Public Complaints Procedure for Community Councils

This Appendix is for Information purposes only and does not form part of the core Governance Arrangements for South Ayrshire Community Councils – re=word this???

GENERAL PUBLIC COMPLAINTS PROCEDURE FOR COMMUNITY COUNCILS

NOTE: The importance of transparency of process whilst retaining the appropriate level of confidentiality must be noted and practiced by all Community Council members upon receipt of any complaint. A complaint against the collective membership of a

Community Council may be considered appropriate to share with all members simultaneously, whereas a complaint against an individual member may be shared with that member only in the first instance, to provide them with time to reflect on the content of the complaint and to prepare an appropriate response, before the complaint is shared with the collective membership for discussion.

In any event, Community Councils may consider whether it would be appropriate to invoke Constitution Clause 13k when in receipt of a complaint and undertaking an appropriate procedure.

Complaints Procedure

This Procedure is for making complaints against Community Councils or its members and can be used by members of the public or elected members.

1. What is a Community Council Complaint?

A complaint against a Community Council is an expression of dissatisfaction or concern relating to the actions of a Community Council or its members. This may be about the conduct; standard of service; actions or lack of action by a Community Council and/or its members.

2. Who can complain?

- 2.1 Anyone who is affected by a Community Council or its decisions can make a complaint.
- 2.2 Anonymous complaints will not be accepted, although legal guidance may be sought depending on the nature of allegations made.

3. What can I complain about?

- 3.1 You can complain about things such as:

- Neglect by or contrary attitude of a Community Councillor when dealing with a Community Council issue which affects the local community,
- Breaches to the Scheme for Establishment of Community Councils by Community Councils and/or their members,
- Financial irregularities and fraud of public funds held by the Community Council,
- Breaches of confidentiality, including data breaches,
- Misusing social media, email or letters for the purpose of personal, political and/or financial gain,
- Bringing the Community Council into disrepute e.g. misrepresenting the views and interests of the local community.

- 3.2 This list is not exhaustive, and complaints may involve more than one thing.

4 What can't I complain about?

- 4.1 There are some things that Community Councils can't deal with. These include:

- Decisions of South Ayrshire Council
- Complaints regarding South Ayrshire Council services or officers

- A request for compensation on a decision the Community Council has made.

5 How do I complain?

- 5.1 All complaints relating to Community Councils and/or individual Community Councillors should be directed for the attention of the appropriate office bearer/s or member/s of the relevant Community Council in the first instance.
- 5.2 All complaints should be made formally in writing, making clear:
- the nature of the complaint,
 - the grounds which support it; and,
 - including evidence which substantiates the grounds.

6. How long do I have to make a complaint?

- 6.1 You should make your complaint within 3 months of the incident you want to complain about making clear:

Complaint received regarding an individual Community Councillor

When there is a complaint made that a member of a Community Council is in breach of the Community Councillors' Code of Conduct or has otherwise brought the Community Council into disrepute then the following procedure must be followed.

Stage 1

The complaint should be made in writing and submitted to the Community Council Chairperson or another appointed person.

The Chairperson or another Office Bearer of the Community Council should:-

- Acknowledge receipt of the complaint by letter or e-mail as soon as possible.
- Make the subject of the complaint aware of the complaint by letter or e-mail and provide them with a copy of the complaint.
- Contact the complainant and the person being complained about to discuss the nature of the complaint to see if it is possible to resolve the complaint without progressing further.
- Resolution should be taken to the satisfaction of the complainant which may result in withdrawal of the complaint or an agreed action put in place. Any such agreement should be recorded in writing and retained for 12 month then destroyed securely.
- Advise the South Ayrshire Council Communities Officer for monitoring purposes of the complaint and the action taken.

| Chairperson or Office Bearer Permitted Actions | |
|--|--|
| Breach | <ul style="list-style-type: none"> • Ask the member to apologise • Advise that Training would be beneficial to prevent similar incidents in the future • Advise that for a period of 3 months, contact should be restricted between the parties • Advise behaviour would be monitored for a period of 3 months |
| Serious Breach | Refer to Stage 2 |

Complaint against the whole Community Council

When a complaint relates to the whole Community Council, these should be submitted in writing to the Communities Officer at communitycouncils@south-ayrshire.gov.uk. If a Community Council receives the complaint they should forward it to the Communities Officer as a matter of urgency.

Stage 2

Stage 2 deals with two types of complaints:

- those that have not been resolved at stage 1; and
- complaints relating to the whole Community Council.

Stage 2 complaints will be referred to a Panel of three Community Councillors from within the pool of members. Members will be drawn from other Community Councils.

Not resolved at Stage 1

Where the complaint has not been resolved at stage 1, the person who dealt with the complaint shall within seven days of identifying that the complaint cannot be resolved:

- (a) Advise both parties that the matter will have to be heard by the Complaints Panel.
- (b) Advise both parties that they have up to seven days to provide, a written statement to support their position and that the written statements would form part of the information provided to the Complaints Panel.
- (c) Notify the Communities Officer so that a Panel can be convened.
- (d) On receipt of written statements submit these to the Communities Officer

Community Council as a whole

Where the complaint relates to the whole Community Council, the Communities Officer shall within seven days of receipt of the complaint:-

- (a) Acknowledge the complaint
- (b) Inform the Community Council of the complaint
- (c) Convene the Complaints Panel.

Complaints Panel Process

The Panel must appoint a chairperson and a note taker.

The Panel needs to consider whether the complaint has merit and whether the Panel is required to make any further decision.

If the Panel determines that there is no merit, then the process ceases, and the parties must be informed. The panel should provide a written note of the complaint, the panel process and the outcome to the Communities Officer for monitoring purposes.

If the complaint does have merit, then the Panel must determine if they are able to decide based on the information before them. If there is enough information, then the panel will make its decision and notify both parties.

If the Panel are unable to decide and require additional information, then they must:

- (a) Seek supporting information from both parties and any witnesses
- (b) Consider the complaint and any supporting information provided

- (c) If necessary, undertake interviews to aid the investigation of the complaint
- (d) Determine whether a breach has occurred, and if so, what course of action is required. A full response to the complaint within 30 working days or sooner, from the date of the Panel meeting which arrives at a conclusion, unless there are circumstances which may not make this possible. If the latter arises then the Community Council should notify the complainant that their complaint remains subject to ongoing consideration
- (e) Provide a written note of the complaint, the panel process, and the outcome to the Communities Officer for monitoring purposes and to undertake any training that may be required.

The Panel can determine the following sanctions:

| Complaints against an Individual Community Councillor | | |
|--|--|--|
| Degree Of Breach | Possible Sanctions | Requirement |
| No Breach | No sanction | None |
| Breach | <ul style="list-style-type: none"> • Apology • Training (exact nature to be identified) • Mentoring • Restriction of communication between parties (to be clearly specified) • Written undertaking to behave within the Code of Conduct | Must be by at least a two thirds majority of the Panel |
| Serious Breach | <ul style="list-style-type: none"> • Suspension for a set period up to six months • Instruction to stand down from an Office Bearer position. • Expulsion. This must be unanimous decision of the Panel. | Must be a unanimous decision by the Panel |
| Complaints against the whole Community Council | | |
| Degree of Breach | Possible Sanctions | Requirement |
| No Breach | No Sanction | None |
| Breach | <ul style="list-style-type: none"> • Apology • Training (exact nature to be identified) • Mentoring • Written undertaking to behave within the Code of Conduct | Must be by at least a two thirds majority of the Panel |
| Serious Breach | <ul style="list-style-type: none"> • Recommend that the Community Council goes into Supported Status | Must be a unanimous decision by the Panel |

The decision by the panel will be the final decision in respect of the complaint. If further clarification if required, the Chair of the Panel can be contacted via the Communities Officer.

Complaints Flowchart

COMPLAINT RECEIVED STAGE1

IMMEDIATELY

Acknowledge complaint
Make subject aware of the complaint
and provide a copy

NEXT

Contact complainant to discuss the
complaint and see if possible to find
an acceptable solution

WITHIN 7 DAYS

If no solution available inform both parties:

that the matter will be heard by
the Complaints Panel

the they have up to seven day to
provide a written statement to
support their position which would
be submitted to the Panel.

Solution Agreeable to both parties

Inform both parties of the outcome
and ensure any actions are
undertaken

retain a copy of the complaint and
correspondence

notify the Communities Officer

NO FURTHER ACTION

NEXT

Provide the Communities Officer with
the complaint and a note of action
taken to date

Submit written documentation to the
Communities Officer

**STAGE 2
COMPLAINTS PANEL**

To be convened by the Communities Officer

Communities Officer plays no part in the Panel decisions

Appoint a Chairperson and note taker

Review the documentation available

Request additional information where required

Undertake interviews, where required

Make a decision based on the evidence

Communicate decision within 28 days on receipt of complaint unless otherwise advised more time was required.

Submit a written note of the complaint, process and outcome to the Communities Officer.

END OF PROCESS

DRAFT

South Ayrshire Council

Annual Self-Assessment (RAG Analysis) for Community Councils

CONSIDERED GOVERNANCE STATUS

- **RED** – 1 or more CORE ADMINISTRATION items remain outstanding.
- **AMBER** – All (6) CORE ADMINISTRATION items met; and Any 1 GOOD PRACTICE item being met.
- **GREEN** – All (6) CORE ADMINISTRATION items met; and evidence of 6 GOOD PRACTICE items being met; which must include the Annual Self-Assessment (RAG Analysis).
- **RAG Analysis should be completed each year. AMBER status is satisfactory; GREEN status Community Councils will be held up as MODELS of GOOD PRACTICE.**

Name of Community Council

SAC can complete

Year of Self Assessment

SAC can complete

Date of meeting which discussed self assessment

CC to complete

Considered RAG Status

Green ☐

Amber ☐

Red ☐

Completed by

(name - block Capital)

CC to complete

(signature)

(position)

(date self assessment completed)

| CORE ADMINISTRATION | MONITORING QUESTION | YES | NO | COMMENTS / EVIDENCE / CONCERNS |
|---------------------------|---|-----|----|--------------------------------|
| 1. Constitution | Is there a signed Constitution held on file and by South Ayrshire Council? | | | SAC can complete |
| 2. Minutes | Are all Community Council minutes from the last 2 years held on file by South Ayrshire Council? | | | SAC can complete |
| 3. Annual General Meeting | Has an AGM been held in April/May of the most recent year? | | | SAC can complete |
| 4. Finances | Have the most recently approved accounts been submitted to South Ayrshire Council? | | | SAC can complete |
| 5. Treasurer Reports | Are regular financial reports presented at scheduled meetings? | | | SAC can complete |

| | | | | |
|--------------------------------|---|--|--|------------------|
| 6. Chairperson's Report | Is a Chairperson's Report available from the most recent AGM? | | | SAC can complete |
|--------------------------------|---|--|--|------------------|

| GOOD PRACTICE | MONITORING QUESTION | YES | NO | COMMENTS / EVIDENCE / CONCERNS |
|---|---|-----|----|---|
| 7. Locality Planning Group Reports (LPG) | Do LPG's representative's reports appear as regular/rolling agenda items? | | | CC to answer |
| 8. Elected Members' Reports | Do Elected Members' reports appear as regular/rolling agenda items? | | | CC to answer |
| 9. Police Reports | Are Police reports available for regular/rolling agenda items? | | | SAC to answer (as per minutes) |
| 10. Planning | Is Planning included or acknowledged as a regular/rolling agenda item? | | | SAC to answer (as per minutes) |
| 11. Licensing | Is Licensing included or acknowledged as a regular/rolling agenda item? | | | SAC will populate for those that have one. |
| 12. Email | Does the community council have a generic email? | | | SAC will populate for those that have one. |
| 13. Website | Does the community council have a website? | | | SAC will populate for those that have one |
| 14. Facebook | Does the community council have any social media pages | | | CC to answer |
| 15. Information Sessions | Is there uptake of any information sessions offered? | | | CC to answer |
| 16. Wider Participation | Does the community council liaise with other community groups? | | | CC to answer |
| 17. Consultations | Have any consultations been conducted within the previous 12 months? | | | CC to answer |
| 18. Local Vision | does the community council have a Local Vision or Mission Statement? | | | SAC will populate once we have the details from each CC |

FOR OFFICIAL USE: Thriving Communities confirmation of RAG status:

Green ☐ **Amber** ☐ **Red** ☐

Relevant Officer: _____

Date: _____