



**COMMUNITY COUNCIL
SCHEME**

and

HANDBOOK

for

COMMUNITY COUNCILLORS

Note: This is an interim updated version pending review.

August 2013

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May 2013

Resources, Governance and Organisation
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SECTION A

INTRODUCTION

- A1 - The Role of a Community Council
- A2 - Responsibilities
- A3 - Rights
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A INTRODUCTION

A1 The Role of a Community Council

- A1.1 Community Councils are an important part of South Ayrshire's community. They confirm the Government's commitment to an inclusive democracy which involves local people in the decisions made by their local authorities. The Scheme helps local authorities and community councils develop their relationship effectively and details the framework within which community councils exist.
- A1.2 Community Councils are voluntary bodies which exist within a statutory framework and which have been granted statutory rights of consultation. **The general purpose of a Community Council is to ascertain, co-ordinate and express the wider views of the entire community within its agreed boundaries.** They can complement the role of the local authority but are not part of local government. Community Councils must comply with the provisions of the Equality Act 2010. Information about the Equality Act may be found at www.equalityhumanrights.com .
- A1.3 Community Councils may also undertake other functions within the terms of their own constitution. **It is the responsibility of a Community Council to satisfy South Ayrshire Council, that they have 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.** Such 'positive steps' should include the advance public display of notice of Community Council meetings, the advance public display of the agenda and the public display of minutes following approval by the Community Council.
- A1.4 South Ayrshire Council recognises the voluntary status of Community Councils, and respects the individuality of the communities they represent. The active involvement of Community Councils will bring benefits both to South Ayrshire Council and local communities. Community Councils should support and complement the role of South Ayrshire Elected Members in ensuring that local opinion is taken into account in matters of policy or operation. Community Councillors should develop their relations with South Ayrshire Council into one of partnership.

A2 Responsibilities

- A2.1 South Ayrshire Council's responsibilities are
- A2.1.1 to prepare, approve, publish and review the Scheme for Community Councils, after due consultation with Community Councils and the public.
- A2.1.2 to provide financial and administrative assistance to Community Councils, subject to the various financial and resource constraints placed on South Ayrshire Council. South Ayrshire Council will provide an annual administration grant to Community Councils to meet the costs of the Community Council undertaking its statutory duties.
- A2.2 The administration grant shall only be used for administrative or secretarial expenses necessarily incurred on behalf of the Community Council. Reference should be made to Section E which contains further information on the administration grant.

- A2.3 South Ayrshire Council may provide grants to Community Councils for other purposes for specific projects. These requests for financial assistance will be considered by South Ayrshire Council in conjunction with other requests on its various resources. Applications for specific funding can be obtained from the Projects and Funding Support Officer, South Ayrshire Council, Burns House, Burns Statue Square, AYR KA7 1UT (Telephone: 01292 616245 Email: grants@south-ayrshire.gov.uk).
- A2.4 South Ayrshire Council has a statutory obligation to consult with Community Councils regarding planning applications. This is done by the Head of Community, Enterprise and Development circulating a weekly list of planning applications to Community Councils. This list contains basic information regarding the applicant, agent, site address, proposed development and other locational characteristics.
- A2.4.1 A strict timescale is laid down in legislation which requires South Ayrshire Council to determine planning applications with a short fixed period and any consultation undertaken by South Ayrshire Council must be completed within this timescale.
- A2.4.2 Reference should be made to Section H which contains detailed information on planning applications.
- A2.5 South Ayrshire Council will help increase public awareness of Community Councils by providing publicity for election dates. It is intended that this will emphasise the special role of the Community Council, highlight the close co-operation with South Ayrshire Council and also reduce expenditure by individual Community Councils on advertising elections. Reference should be made to Section B which contains further information on the election process.
- A2.6 Minutes and reports of South Ayrshire Council meetings and its panel meetings will be made available for inspection on South Ayrshire Council's webpage www.south-ayrshire.gov.uk/committees/ unless the information is specifically excluded from publication. (Hard copies may be made available on request.)
- A2.7 South Ayrshire Council shall regard Community Councils as legitimate representatives of the community. South Ayrshire Council will invite the views of Community Councils on relevant matters of general local interests. Council officials will respond to correspondence by acknowledgement within 5 working days and substantively within 20 working days.
- A2.8 South Ayrshire Council will work with Community Councils for the formation, development and publicity of Community Councils.

A3 Rights

- A3.1 The rights which South Ayrshire Council may choose to exercise are as follows.
- A3.1.1 South Ayrshire Council may appoint an officer to inspect the accounts and records of a Community Council at any time. South Ayrshire Council may write to both the Secretary and the Treasurer seeking access to the records, and either of them, or any Community Councillor, must contact the appointed officer within 7 days of the date of the letter, to make arrangements for the

inspection to take place. The inspection must take place within 28 days of the date of the letter or at such other mutually agreeable time.

A3.1.2 Where it appears that a Community Council is not complying with the requirements of the Scheme, the circumstances will be discussed initially by the Head of Policy, Community Planning and Public Affairs and the Community Council with a view to resolving any problems. In the event that agreement cannot be reached, South Ayrshire Council may suspend the Community Council. This action will be taken only if the Community Council is found not to be conforming to the Scheme for Community Councils and will result in the Community Council losing the rights to

- consultation on any South Ayrshire Council matter; and
- receive grants.

A3.1.3 Where a Community Council is dissolved there is an obligation on South Ayrshire Council and the Community Council to arrange for an orderly gathering of funds and assets of the Community Council, and for those funds and assets to be disposed of in accordance with Section E on Financial Management.

A3.1.4 South Ayrshire Council has the right to receive from Community Councils copies of

- minutes of all meetings, including sub committees, working groups, etc.
- annual report, where produced,
- audited accounts, and
- property list.

These items shall be provided to the Head of Policy, Community Planning and Public Affairs as soon as they have been formally approved by the Community Council.

A4 Consultation regarding Community Council Scheme

A4.1 In accordance with Section 51(6) of the Local Government (Scotland) Act 1973, on adoption of this new Scheme, South Ayrshire Council shall give public notice of the Scheme together with an invitation to electors in all Community Council areas to write to the Head of Policy, Community Planning and Public Affairs to establish a Community Council, in accordance with this Scheme where this has not already been done.

A4.2 South Ayrshire Council, having regard to changing circumstances and to any representations made to them, shall from time to time review this Scheme, and where they consider that the Scheme ought to be amended, they shall proceed in accordance with the provisions and procedure specified in Section 53 of the Local Government (Scotland) Act 1973, as amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981, and Section 22 of the Local Government etc. (Scotland) Act 1994, to effect such amendment.

SOUTH AYRSHIRE COUNCIL
NAME, DESCRIPTION AND MEMBERSHIP OF COMMUNITY COUNCIL

Name of Community Council	Sub Ward	No of Members	South Ayrshire Council Electoral Ward(s)	Number of Electors
Alloway and Doonfoot		15		5359
	Alloway	8	5	
	Doonfoot	7	5	
Annbank and Coylton		12	7	3609
Ballantrae		9	8	511
Barr		9	8	289
Barrhill		9	8	352
Belmont and Kincaidston		18		4511
	Kincaidston	4	4	
	Belmont North	5	4	
	Belmont South	5	4	
	St Leonards	4	4	
Colmonell and Lendalfoot		9	8	357
Craigie		9	6	326
Crosshill, Straiton and Kirkmichael		9		1669
	Crosshill	3	7	
	Straiton	3	7	
	Kirkmichael	3	7	
Dailly		9	8	858
Dundonald		12	6	2006
Dunure		9	7	702
Forehill, Holmston and Masonhill		15		6221
	Castlehill/Masonhill/New Holmston	7	4	
	Holmston and Forehill	8	4	
Fort, Seafield and Wallacetown		15		5878
	Fort	5	5	
	Seafield	6	5	
	Wallacetown	4	5	
Girvan and District		15		5572
Kirkoswald, Maidens and Turnberry		9	7	962
Loans		9	6	614
Maybole		15		3422
Minishant		9	7	556
Monkton		9	6	915
Mossblown and St Quivox		9		3009
Newton and Heathfield		12		7536
	Newton	6	3	
	Heathfield	6	3	
North Ayr		15		7307
	Whitletts and Lochside	5	3	
	Dalmilling	5	3	
	Craigie	5	3	
Pinwherry and Pinmore		9	8	309
Prestwick North		15		6664
	Prestwick North West	5	2	
	Prestwick North Central	5	2	
	Prestwick North East	5	2	

Name of Community Council Sub Ward	No of Members	South Ayrshire Council Electoral Ward(s)	Number of Electors
Prestwick South	15		5602
Prestwick South West	8	2	
Prestwick South East	7	2	
Symington	9	6	1172
Tarbolton	9	6	2180
Troon	18		12141

SECTION B

COMMUNITY COUNCIL

ELECTIONS

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- B2 - Appointment of Returning Officer
- B3 - Timetable
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B COMMUNITY COUNCIL ELECTIONS

B1 General Provisions

- B1.1 Each Council shall comprise of Members elected in terms of this Scheme.
- B1.2 Elections shall be held triennially, starting in 2004, for all Community Councils.
- B1.3 Where the number of valid nominations received is less than half of the number of vacancies, the Community Council will not be able to be formed. Similarly where a Community Council has formed and the number of Community Councillors falls to less than half of the total membership of the Community Council, the Community Council will cease to function and will be dissolved (see Section E).
- B1.4 A Community Council may be reformed by Petition in terms of this Scheme (see Section B26).
- B1.5 Members may be elected at a By-election in the years two and three following the triennial election.
- B1.6 Members of a Community Council will represent that Council area as a whole and will be elected by a secret ballot. The poll will be an all-postal ballot and organised by the Returning Officer and his/her staff. The election timetable will be arranged so that each newly elected Community Councillor will be appointed from 1st April.
- B1.7 South Ayrshire Council Elected Members, Members of the Scottish Parliament, Members of Parliament and Members of the European Parliament, for the area (or part of the area) covered by a Community Council shall have *ex officio* membership.

B2 Appointment of Returning Officer

- B2.1 The Returning Officer for Community Council elections shall be the Service Planning and Elections Manager, Resources, Governance and Organisation Directorate, South Ayrshire Council. He/she may appoint Deputies to discharge all or any of his/her duties.
- B2.2 The decision of the Returning Officer is final and cannot be challenged on election petition.

B3 Timetable

Community Council elections will be held triennially with by-elections being held in years two and three. The timetable for the conduct of Community Council elections is detailed in Appendix B1. In each third year South Ayrshire Council will publish in the local press and on its website the Notice of Election as shown in Appendix B2. In subsequent years, during by-elections, South Ayrshire Council may choose to advertise only in the locality where the by-election will take place.

B4 Notice of Election

The Returning Officer shall publish a Notice of Election as shown in Appendix B2 or to like effect.

B5 Nomination

Forms of nomination will be available at such locations as determined by the Returning Officer and published in the Notice of Election. Completed nomination forms shall be delivered to the place appointed by the Returning Officer and specified on the Nomination Form as shown in Appendix B3.

B6 Qualification of Candidate

To qualify to be nominated to stand for election to a specific Community Council, a candidate must

- B6.1 be 18 years of age or over (by the date of the close of nomination).
- B6.2 have his/her name appearing on the current Register of Local Government Electors for the area concerned.
- B6.3 be resident in the Community Council area or sub area for which he/she is being nominated.
- B6.4 not be an Elected Member of a local authority (or an Elected Member of any other legislature).
- B6.5 not be a person who would be disqualified from being nominated in a Local Government Election in terms Subsections 1(B), (ba), (C), (2), (3) and (3B) of Section 31 of the Local Government (Scotland) Act 1973 as amended. (These relate to sequestration and bankruptcy and to criminal convictions where a sentence of imprisonment without the option of fine has been passed).

B7 Consent to Nomination

Every candidate must consent to his/her nomination in writing. Consent to nomination will be included in the Nomination Form.

B8 Nomination Form

The signature of the candidate on the Nomination Form requires to be witnessed. The witness must be 16 years of age or over, be able to write, not be blind, be of sound mind and be known to the candidate.

B9 Witnessing more than One Nomination Paper

A person can witness more than one nomination paper in respect of the same Community Council election.

B10 Qualification of Electors

All electors at a Community Council election shall be resident in the area or sub area of that Council and shall;

- have attained the age of 18 years as at the date of the close of nominations.
- be persons whose name appears on the Register of Local Government Electors for the area concerned.
- not be subject to any legal incapacity (as applies at other elections).

B11 Nomination Paper

A sample of the nomination paper to be used at Community Council elections can be found in Appendix B3.

B12 Delivery of Nomination Paper

Nomination papers must be delivered to the address specified on the nomination paper no later than the date and time specified on the nomination paper.

B13 Candidate's Statement / Canvassing

A candidate may wish to make a statement saying why he/she wants to be elected. It must not be longer than 50 words. This statement will be published, together with any other validly nominated candidates' statements, where there will be a contested election. There is no obligation on a candidate to complete this part, it is entirely optional. No other form of canvassing for votes will be permitted.

B14 Validity of Nomination Papers

B14.1 Where a nomination paper is delivered prior to the close of nomination, the candidate shall be deemed to stand nominated unless and until the Returning Officer decides that the nomination paper is invalid, or proof is given to the Returning Officer's satisfaction of the candidate's death.

B14.2 The Returning Officer is entitled to hold a nomination paper invalid only on one of the following grounds; either that the particulars of the candidate or the persons subscribing the paper are not as described above, or that the paper is not completed as so required.

B14.3 As soon as possible after each nomination has been received by the Returning Officer, he/she shall examine it and decide whether the candidate has been validly nominated.

B14.4 Where the Returning Officer decides that a nomination paper is invalid, he/she shall endorse and sign the paper of the fact and reasons for his/her decision.

B14.5 The Returning Officer shall send a letter of his/her decision that a nomination paper is valid or invalid to each candidate at his/her address as given on the nomination paper.

B14.6 The Returning Officer's decision that a nomination paper is valid or invalid shall be final.

B14.7 In the event that the number of candidates validly nominated is less than half the total number of vacancies on any Community Council, no Community Council shall be established at that time. South Ayrshire Council shall, after consultation with Elected Members whose Electoral Wards include the area and any other individuals deemed appropriate by South Ayrshire Council, take such action as may be required.

B14.8 A candidate shall be able to withdraw his/her nomination paper after it has been delivered up until the date and time fixed for the close of nomination. The request to withdraw must be made in writing by the candidate (or his/her authorised representative) or by e-mail.

B15 Political Parties

A political party shall neither nominate nor sponsor a candidate in a Community Council election.

B16 Method of Election

B16.1 If, after the close of nominations, the total number of candidates validly nominated is greater than the total number of vacancies available for a Community Council (or sub ward), a poll will take place.

B16.2 The poll will be an all-postal ballot. A style of a ballot paper is enclosed in Appendix B4.

B16.3 Ballot papers will be posted to all electors resident in the specific Community Council area or sub ward.

B16.4 Ballot papers must be returned no later than the date and time specified on the ballot paper. Pre-paid postage reply envelopes, addressed to the Returning Officer, will accompany each ballot paper.

B17 Counting of Votes

The counting of votes will take place in the County Buildings, Wellington Square, Ayr or at such other location as the Returning Officer may decide. All candidates will be notified in writing of the location, date and time of the count. Candidates will be permitted to attend the counting of votes.

B18 Term of Office

The term of office shall be from 1 April (year one) to 31 March (year three) except for the provision of Section D.

B19 Rejected Ballot Papers

Any ballot paper:-

B19.1 on which there are more votes cast than there are vacancies;

B19.2 on which anything is written or marked by which the voter can be identified;

B19.3 which is unmarked or void for uncertainty;

shall be endorsed with the words 'rejected' by the Returning Officer, such ballot papers shall not be counted and the Returning Officer shall draw up a statement showing the number of ballot papers rejected.

B20 Decisions on Ballot Papers

The decision of the Returning Officer on any question arising in respect of a ballot paper shall be final.

B21 Equality of Votes

Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between or among any candidates and the addition of a vote would entitle any or some of those candidates to be declared elected the Returning Officer shall forthwith decide between or among those candidates by lot, and proceed as if the candidate or candidates on whom the lot falls had received an additional vote.

B22 Declaration

In a contested election, when the result of the poll has been established, the Returning Officer shall declare to be elected the candidates to whom the majority of the votes have been given. The Returning Officer will then prepare a Notice of the Result stating the total number of votes given to each candidate, indicating who has been elected together with a statement showing the ballot papers rejected. The Returning Officer shall, in writing, give notice to all candidates of the result of the election and shall inform them whether or not they have been elected. A copy of the Notice of Result is contained in Appendix B5.

B23 Absent Voting

There shall be no provision for absent voting.

B24 Appointment of Agents

Candidates are not permitted to appoint an election agent or counting agent.

B25 Uncontested Election

If, after the expiry time for the delivery of nomination papers, the total number of candidates validly nominated is equal to, or less than, the total number of vacancies available on the Community Council the Returning Officer shall give notice that there will not be a poll for that Community Council. The candidates validly nominated will be duly elected to serve on that Community Council and the Returning Officer will write to each candidate advising them of their appointment (except if the provisions of paragraph B14.7 apply).

B26 Areas with no active Community Councils

If an area does not have an active Community Council, members of the public interested in forming a Community Council must submit a Petition as detailed in Appendix B6.

B26.1 At least 20 members of the public, who must each sign the Petition, must reside within the Community Council area.

B26.2 Their names must appear on the Register of Local Government Electors for that area.

South Ayrshire Council will then initiate the election process, as detailed above, as soon as is practicable.

B27 Demission of Office – Community Councillors

Community Councillors demit office as follows:

B27.1 Death – with immediate effect.

B27.2 Not re-elected to the Community Council – with effect from 31 March.

B27.3 Resignation – this must be made in writing to the Secretary of the Community Council (where the Secretary is resigning this must be made in writing to the Chair of the Community Council) and must state the date from which the resignation is to take effect. Resignations may only be withdrawn with the consent of the Community Council. A copy of the resignation letter must also be sent to the Head of Policy, Community Planning and Public Affairs at the same time as it is sent to the Secretary or Chairperson. Should an individual require assistance in providing a written resignation, the Community Council is obliged to provide support to the individual to accomplish this.

B27.4 Becomes an Elected Member of South Ayrshire Council (or of any other legislature)

B27.5 Non-attendance – where a Community Councillor has not attended three consecutive Community Council meetings without reasonable excuse or prior notification, that Community Councillor will be deemed to have demitted office and the subsequent vacancy will fall to be filled.

B27.6 No longer resident in area – where a Community Councillor is no longer resident within the area of the Community Council he/she must resign from the Community Council within two months of him/her becoming non-resident. If he/she does not resign, he/she will be deemed to have demitted office after two months of the date when he/she became non-resident.

B28 Disposal of Documents

On completion of the counting in a contested election the Returning Officer shall seal up all the counted and rejected ballot papers, together with the verification sheets which shall be sealed and retained for six months from the counting of votes by the Returning Officer among the records of South Ayrshire Council.

B29 Inspection of Documents

These documents shall not be open to public inspection.

B30 Destruction of Documents

After the expiry of six months from the day fixed for the counting of votes the Returning Officer shall cause all the documents to be destroyed.

B31 Death of Candidate

The death of a candidate will not affect the conduct of the poll. Any votes given to such a candidate shall not be counted.

B32 Public Meetings

No opportunity will be extended to any candidate to address a public meeting.

COMMUNITY COUNCIL ELECTIONS



PROVISIONAL TIMETABLE

Date	Function
1st week in January	The Returning Officer will arrange a Planning Meeting with officials to discuss election arrangements.
1st/2nd week in January	Send out form seeking accurate information for full and co-opted membership. (Send out Nomination Forms with this letter.)
Last Friday in January	Above form to be returned.
1st week in February	Advert to be placed in local newspapers. Also send advert to Secretaries to be displayed locally.
Last Thursday in February (4.00 pm)	Closing date and time for nominations.
1st/2nd week in March	Issues of postal ballot papers.
Last Wednesday in March (5.00 pm)	Last day for receipt of ballot papers.
Last Thursday in March	Counting of Votes
1 April	Community Council appointments to commence.

LOCAL GOVERNMENT (SCOTLAND) ACT 1973
NOTICE OF ELECTION
COMMUNITY COUNCIL ELECTIONS 2013

A poll is to be held for Community Council members to serve on the undernoted Community Councils.

Name of Community Council	Sub Ward	No of Vacancies
Alloway and Doonfoot		15
	Alloway	8
	Doonfoot	7
Annbank and Coylton		12
Ballantrae		9
Barr		9
Barrhill		9
Belmont and Kincaidston		18
	Kincaidston	4
	Belmont North	5
	Belmont South	5
	St Leonards	4
Colmonell and Lendalfoot		9
Craigie		9
Crosshill, Straiton and Kirkmichael		9
	Crosshill	3
	Straiton	3
	Kirkmichael	3
Dailly		9
Dundonald		12
Dunure		9
Forehill, Holmston and Masonhill		15
	Castlehill/Masonhill/New Holmston	7
	Holmston and Forehill	8
Fort, Seafield and Wallacetown		15
	Fort	5
	Seafield	6
	Wallacetown	4
Girvan and District		15
Kirkoswald, Maidens and Turnberry		9
Loans		9
Maybole		15
Minishant		9
Monkton		9
Mossblown and St Quivox		9
Newton and Heathfield		12
	Newton	6
	Heathfield	6
North Ayr		15
	Whitletts and Lochside	5
	Dalmlilling	5
	Craigie	5
Pinwherry and Pinmore		9
Prestwick North		15
	Prestwick North West	5
	Prestwick North Central	5
	Prestwick North East	5
Prestwick South		15
	Prestwick South West	8
	Prestwick South East	7
Symington		9
Tarbolton		9
Troon		18

Nomination Forms may be obtained by contacting:

Returning Officer
Community Council Elections
County Buildings, Wellington Square, Ayr KA7 1DR
Telephone: (01292) 612181/612447.
E-mail: communitycouncils@south-ayrshire.gov.uk

Latest time for the delivery of nomination papers is:

21 February 2013 at 4.00 pm

Nomination Forms must be returned in a sealed envelope to the above address.

28 January 2013

LOCAL GOVERNMENT (SCOTLAND) ACT 1973



ELECTION OF A COUNCILLOR FOR THE

_____ COMMUNITY COUNCIL

_____ SUB WARD (if applicable^o)

Latest time for delivery of this form to the
Returning Officer, Community Council Elections, County Buildings,
Wellington Square, Ayr KA7 1DR – XXXXXXXX

1.	SURNAME:			
2.	OTHER NAMES:			
3.	ADDRESS:			
4.	POST CODE:		5.	TEL NO:
6.	EMAIL:			

I certify that the above particulars are correct, that I am aged 18 years or over on XXXXXXXX and whose name appears on the Register of Local Government Electors for the Community Council referred to above and that I am not disqualified from candidature in terms of the Community Council Scheme for South Ayrshire Council (eg by being a member of South Ayrshire Council or by being disqualified from candidature in a Local Government Election in terms of subsections 1(b) or (c) of Section 31 of the Local Government (Scotland) Act 1973).

The Council may hold any information you provide, for future use in relation to the administration of Community Councils. This information will be held within the Council's computer systems and will be used in accordance with the principles of the Data Protection Act 1998. Signing this form confirms you acknowledge and agree to your nomination and your information being used in this matter.

I consent to my nomination as candidate.

6.	SIGNATURE OF CANDIDATE:			
7.	DATE:			

8.	SIGNATURE OF WITNESS:			
9.	NAME WITNESS:			
10.	ADDRESS OF WITNESS:			

^o The following Community Councils contain sub wards:

Prestwick North; Prestwick South; Newton and Heathfield; North Ayr; Forehill, Holmston and Masonhill; Belmont and Kincaidston; Fort, Seafield and Wallacetown; Alloway and Doonfoot; Mossblown and St Quivox; Crosshill, Straiton and Kirkmichael.

If a candidate wishes, he/she may also complete a statement saying why he/she wants to be elected. It must not be longer than 50 words.

**Candidate's statement
(must not exceed 50 words)**

This statement will be published together with any other validly nominated candidates' statements, where there will be a contested election. There is no obligation on a candidate to complete this part, it is entirely optional.

PLEASE COMPLETE IN BLOCK LETTERS

SAMPLE

GUIDANCE NOTES:

- The candidate must complete sections 1-7. The witness must complete sections 8-10.
- Candidates must be 18 years or over on **XXXXXXX**
- Candidates must be resident in the area or sub ward of the Community Council they wish to represent.
- Candidates' names must appear on the Register of Local Government Electors for the area concerned.
- Latest time for delivery of nomination forms is **4.00 pm** on **XXXXXX**.
- Nomination Forms must be delivered to:-

**Returning Officer
Community Council Elections
South Ayrshire Council
County Buildings
Wellington Square
AYR KA7 1DR**

- Helpline: (01292) 612447 or 612181

FOR OFFICIAL USE ONLY		
Electoral Number	Distinctive Letter	Number

COMMUNITY COUNCIL

ELECTION

XYZ
COMMUNITY COUNCIL

Y SUB WARD

[DATE]



XYZ
COMMUNITY COUNCIL

Y SUB WARD

This year Community Council Elections are taking place between **XXXX**. The poll will be a postal ballot and your ballot paper and a pre-paid, addressed return envelope is enclosed. The ballot paper must be received by the Returning Officer at the County Buildings in Ayr by **5.00 pm** on **XXXX**, otherwise your vote will not be included in the count. Each candidate was asked to make a brief statement if he/she so wished. The statements are printed in this leaflet.

CANDIDATES' STATEMENTS

- BLUE**
Hugh, 71 Green Road, Merrytown
Having been a Community Councillor for over twenty years, if elected I will do my best to represent the community as I have done for a long time previously.
- GREEN**
John, 10 Brown Avenue, Merrytown
John Green chose not to make a statement.
- PURPLE**
James Purple, 67 Main Street, Merrytown
James Purple chose not to make a statement.
- WHITE**
Janet White, 19 Long Street, Merrytown
As a newer resident I hope to be able to bring fresh ideas for improving our community.

XYZ COMMUNITY COUNCIL

Y SUB WARD

BALLOT PAPER

You may not vote for more than **X** candidates.

CANDIDATE	ADDRESS	VOTE
BLUE, Hugh	71 Green Road, Merrytown	
GREEN, John	10 Brown Avenue, Merrytown	
PURPLE, James	67 Main Street, Merrytown	
WHITE, Janet	19 Long Street, Merrytown	

INSTRUCTIONS TO VOTER

1. You may vote for up to **X** candidates.
2. Mark your choice with a cross (X). Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
3. Put no other mark on the ballot paper or your vote may not be counted.
4. Put the ballot paper in the 'Ballot Paper Envelope'. Return it without delay.
5. Ballot Paper Envelopes must be received by the Returning Officer at the County Buildings, Wellington Square, Ayr **not later than X pm on XX XX 20XX**
6. Helpline: Tel: 01292 612181/612447
Email: communitycouncils@south-ayrshire.gov.uk
Website: www.south-ayrshire.gov.uk/communitycouncils

XYZ COMMUNITY COUNCIL

Y SUB WARD

Electorate	
Total Votes cast	b/f
Percentage Poll	%

Here is the result for the XYZ Community Council Y Sub Ward			
NO	NAME		VOTES
1	BLUE, Hugh	71 Green Road, Merrytown	
2	GREEN, John	10 Brown Avenue, Merrytown	
3	PURPLE, James	67 Main Street, Merrytown	
4	WHITE, Janet	19 Long Street, Merrytown	
and I declare the following to be elected to the XYZ Community Council Y Sub Ward			
NO	NAME		

The number of rejected ballot papers was _____

_____ 20XX

Signed: _____
Returning Officer

PETITION
TO THE
SOUTH AYRSHIRE COUNCIL

BY TWENTY ELECTORS
OF THE
XYZ
COMMUNITY COUNCIL AREA

WE, the twenty undersigned electors, residing within the XYZ Community Council area at the addresses stated and being registered as electors at these addresses for the Register of Electors in force as at the date of this petition, HEREBY PETITION the South Ayrshire Council, in terms of the Scheme for Community Councils, to re-establish XYZ Community Council within six weeks of delivery of this petition.

Dated this _____ day of _____ 20____.

Note: This petition to be delivered to the

Head of Policy, Community Planning and Public Affairs
South Ayrshire Council
County Buildings
Wellington Square
AYR KA7 1DR

No	NAME	ADDRESS	SIGNATURE	No ON REGISTER OF ELECTORS *
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				

SAMPLE

* For official use only.

SECTION C

THE ROLE OF OFFICE BEARERS, ETC

- C1 - Appointment of Office Bearers
- C2 - The role of the Chairperson
- C3 - The role of the Vice-Chairperson
- C4 - The role of the Secretary
- C5 - The role of the Treasurer
- C6 - The role of the Planning Contact
- C7 - The role of the Licensing Contact
- C8 - The role of Elected Representatives
- C9 - The role of the Link Officer
- C10 - Correspondence
- C11 - Data Protection

C THE ROLE OF OFFICE BEARERS

C1 Appointment of Office Bearers

There are usually four office bearers elected by the members of the Community Council at the first meeting of the new Community Council following the triennial elections. Office bearers hold office for one year and are then elected annually at the Annual General Meeting. Office bearers can stand for re-election without limit of time.

The office bearers are:

- C1.1 Chairperson
- C1.2 Vice Chairperson
- C1.3 Secretary
- C1.4 Treasurer

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 (eg Secretary/Treasurer).

The Community Council may appoint a person to be the Planning Contact and a person to be the Licensing Contact. These postholders are not office-bearers.

The Community Council may also appoint a person to be Minutes Secretary; that person is not an office bearer and need not be a Community Councillor.

Each Community Council shall be obliged to keep available for public inspection within its area, an up-to-date list specifying the names and addresses of all Members of the Council and the office, if any, held by each. The Community Council is obliged to forward a copy of such list to South Ayrshire Council and to inform South Ayrshire Council of any alterations to it, within four weeks of the change occurring.

C2 The Role of the Chairperson

The Chairperson should conduct the business of the meeting, maintain order, decide who shall speak and, if necessary, request a speaker to draw their remarks to a close. All comments should be addressed to the Chairperson. Other speakers should be discouraged from interrupting or passing remarks to allow order to be maintained so the speaker may be heard and that clear minutes of the meeting can be produced.

The Chairperson should follow the order of business on the agenda unless there are exceptional circumstances and the Community Council agrees at the beginning of the meeting to vary the order of business. At the start of the meeting the Chairperson should ask if anyone wishes to raise a matter under 'Any Other Competent Business'.

The Chairperson should represent the Community Council at meetings or events with other agencies. If the Chairperson cannot attend the Vice Chairperson should attend, failing whom any other Community Councillor as agreed by the Community Council.

The Chairperson may suspend business or adjourn the meeting for a specific time should he/she deem it necessary to control order.

C3 The Role of the Vice Chairperson

The Vice Chairperson's primary role is to deputise for the Chairperson in his/her absence. The Vice Chairperson will be required to conduct the business of a Community Council meeting in the absence of the Chairperson.

The Vice Chairperson may be asked to represent the Community Council at external events in the absence of the Chairperson.

C4 The Role of the Secretary

It is the Secretary's general responsibility to ensure that at least seven days' notice of Community Council meetings is given and that a true and accurate record is prepared of every Community Council meeting, in the form of minutes. Examples of Agenda and Minutes etc can be found in Section D – Conduct of Meetings.

The Secretary must also bring to the attention of the Community Council any correspondence he/she has received since the previous meeting.

The Secretary should prepare responses to any correspondence discussed by the Community Council unless another member is specifically instructed to carry this out.

The Secretary will also be required to write to various agencies, again, as instructed by the Community Council.

The Secretary should maintain the record of minutes of Community Council Meetings.

C5 The Role of the Treasurer

It is the responsibility of the Treasurer to carry out all the financial business of the Community Council and to keep a record of all income and expenditure, the source of such income, reason for expenditure, and maintain a list of its property (and the source from which the property was derived). The Treasurer shall keep or ensure the safety and security of all financial documents such as receipts, accounts paid and pending, investment certificates, awards of grant, bank statements and pass books, auditor's report and property lists. The Treasurer shall also co-operate with officers of South Ayrshire Council when requested.

The Treasurer will keep the accounts of the Community Council up-to-date and will make the monthly working accounts etc available for inspection at each meeting of the Community Council. The Treasurer will report on any concerns which he/she may reasonably have about the accounts/property to the first available meeting of the Community Council.

Further information regarding the accounting process can be obtained from Section E – Financial Management.

C6 The Role of the Planning Contact

The person appointed to be Planning Contact will receive from South Ayrshire Council each week a list of planning applications. This list may contain applications relating to the area of the Community Council. Further information on dealing with Planning applications is contained in Section H – Planning.

C7 The Role of the Licensing Contact

The person appointed to be Licensing Contact will receive from South Ayrshire Council

FOR INFORMATION

C8 The Role of Elected Representatives

All Elected Members whose Electoral Ward comprises all or part of the area of the Community Council are entitled to be present at Community Council meetings by virtue of their office as Councillor, often referred to as *ex officio*. Similarly MSPs, MPs and MEPs are entitled to be present.

The Elected Members of South Ayrshire Council can inform Community Councils of the work initiatives and activities of South Ayrshire. They are in a unique position to advise the Community Council, should be encouraged to take part in debate, but must declare an interest in an item, if appropriate, in the same way as Community Councillors.

As elected representatives usually have more than one Community Council within their area and in view of the other commitments to which elected representatives may have to attend, it may not be possible for them to be present at meetings of the Community Council.

C9 The Role of the Link Officer

The role of Link Officers is to act as a main point of contact between a Community Council and South Ayrshire Council. The role is not intended to replace any existing links that Community Councils have developed with the Council. Rather it will be to advise and act as mentor to Community Councils – to point them in the right direction in terms of their relationship with the Council by, for example, identifying appropriate officers who should receive communications, responding to requests for Council publications, noting causes of concern, alerting Services to local feeling. An important element of the role will be to ensure that the local Elected Member is kept advised of issues and actions. It is also to be expected that Link Officers will advise Community Councils on procedural matters, if required.

The following further defines the role. Link Officers should:

- C9.1 encourage Community Councils to be pro-active and action-based in pursuing local issues and problems.
- C9.2 keep local Elected Members well informed of the activities and discussions at Community Council meetings and any follow-up action.
- C9.3 be available to attend Community Council meetings, subject to arrangement with the Community Council.
- C9.4 arrange for a replacement to act as Link Officer with the Community Council in the event of the Officer being on extended absence. There is no requirement for replacement in the event of short term absences.
- C9.5 oversee Community Council elections and receive instruction from the Returning Officer on the conduct of Community Council elections, as required.

- C9.6 if required, remind Community Councils to provide minutes and sederunts to South Ayrshire Council.
- C9.7 be aware of the content of the *Scheme for Community Councils* (particularly with regard to issues such as membership, quorums and co-optees) and advise and guide Community Councils appropriately.
- C9.8 compile reports about Community Councils when required – e.g. grant application reports.
- C9.9 identify recurring or corporate issues that South Ayrshire Council might address.
- C9.10 offer advice to Community Councils about resources and sources of funding.

C10 Correspondence

Community Councils receive communications from different parts of the Council. Link Officers should send and receive copies of communications that they feel are appropriate. It is difficult to be prescriptive about what is appropriate as different Community Councils will have varying needs and workloads, which will be reflected in the extent and type of correspondence which is generated. Broadly however it is suggested that:

- C10.1 Minutes should be sent by the Secretary of the Community Council to the Head of Policy, Community Planning and Public Affairs who will forward a copy of them to the Link Officer.
- C10.2 Link Officers should not receive weekly planning lists.
- C10.3 Link Officers should receive copies of centrally produced letters to Community Councils e.g. calling notices for Community Council Forum meetings; correspondence re Administration Grants; information about any policy documents sent to Community Councils.

C11 Data Protection

C11.1 The Data Protection Act 1998 governs the use of personal data. It imposes important obligations on any persons or organisations, including Community Councils, which acquire, store, use or deal with personal data either electronically or within certain paper records. Whilst failure to comply with the Act's requirements can have serious legal consequences, Community Councillors should be reassured that most breaches are likely to simply require remedial action to be undertaken and would not be deemed to be criminal offences.

The purpose of this guidance is to provide Community Councils with information regarding the Act and basic advice on how to comply with it. More detailed guidance is available from the Information Commissioner (see Part 6 below).

C11.2 Personal Data and Sensitive Personal Data

C11.2.1 Special rules govern the processing of sensitive personal information.

- C11.2.2 “Personal data” means any information by which it is possible to identify a living individual (referred to in the Act as a “data subject”). Information on individuals who have died, or on companies or other corporate bodies, is not personal data.
- C11.2.3 “Sensitive personal data” means information regarding such things as an individual’s racial or ethnic origin, political or religious beliefs, physical or mental health, sexual life and commission of a criminal offence. Special rules apply to sensitive personal data and Community Councils should seek advice if they hold any sensitive personal data (other than that which is in the public domain such as the political affiliation of local elected members or the denominations of clergy).
- C11.2.4 The Act regulates the processing of personal data. “Processing” means acquiring data, storing it, amending or augmenting it, disclosing it to third parties, deleting it – i.e. doing anything with it at all. An individual or organisation which processes personal data is known as the “data controller”.
- C11.2.5 The Act applies to personal data which is held in any kind of storage system, whether electronic or manual.

C11.3 The Data Protection Principles

The Act sets out some basic rules regarding processing personal data, known as the Data Protection Principles. These include –

- C11.3.1 Data must be processed fairly and lawfully;
- C11.3.2 Data must be obtained for one or more specified and lawful purposes, and must not be processed in any manner incompatible with those purposes;
- C11.3.3 Data must be adequate, relevant and not excessive;
- C11.3.4 Data must be accurate and kept up to date;
- C11.3.5 Data must not be kept longer than necessary;
- C11.3.6 Data must be processed in accordance with the data subject’s rights;
- C11.3.7 Appropriate technical and organisational measures must be taken against the data’s unauthorised or unlawful use and their accidental loss, damage or destruction.

C11.4 Data Subjects’ Rights

The Act gives important rights to data subjects, including the right –

- C11.4.1 To be informed that their personal data is being processed by the data controller;

- C11.4.2 To be given access to their personal data;
- C11.4.3 To require their personal data not to be used for direct marketing purposes;
- C11.4.4 To require the data controller to stop any processing of their personal data which is causing substantial and unwarranted damage or distress.

C11.5 Contravention of the Act

- C11.5.1 A breach of the Data Protection Principles is not a criminal offence in itself although this may change in the near future. Current offences include the unlawful obtaining, disclosing or selling of information, a failure to follow a Notice from the Commissioner and the failure to notify the Commissioner of processing which takes place. These offences are punishable by the payment of a fine.
- C11.5.2 Compensation may be payable to any person who suffers damage and distress as a result of a contravention of the Act. Such compensation is awarded by the Court.

C11.6 The Information Commissioner

The Data Protection Act is regulated and enforced by the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF and applies throughout the UK. The Commissioner has powers under the Act to issue Notices to data controllers, requiring them to provide him with information regarding their compliance with the Act, or to carry out certain steps under the Act; as indicated above, failure to comply with a Notice is a criminal offence. He also has power to carry out investigations, including the power to enter data controllers' premises.

The Commissioner publishes detailed guidance on various aspects of the Act on his website at www.ico.gov.uk. AdviCe can also be obtained from his Scottish Office in Edinburgh at Scotland@ico.gsi.gov.uk or 0131 225 6341.

SECTION D

CONDUCT OF MEETINGS

- D1 - Frequency
- D2 - Advertised Meetings
- D3 - Advance Notice to Members
- D4 - Attendance
- D5 - Non Attendance
- D6 - Sederunt
- D7 - Quorum
- D8 - Chairing the Meeting
- D9 - Chairperson's Duties
- D10 - Order of Business
- D11 - Voting on a motion
- D12 - Register of Interests
- D13 - Declarations of Interests
- D14 - Secretary's Duties
- D15 - The First Meeting
- D16 - Annual General Meeting
- D17 - Special General Meeting
- D18 - Minutes of Meeting
- Appendix D1 - Draft Agenda
- Appendix D2 - Draft Register of Interests
- Appendix D3 - Draft Sederunt
- Appendix D4 - Draft Minutes of Meeting

D CONDUCT OF COMMUNITY COUNCIL MEETINGS

Each Community Council, as soon as practicable after its formation, but within a period no longer than six months, shall draw up a draft Constitution consistent with this Scheme and shall forward a copy of these to South Ayrshire Council for approval. Community Councils must have the formal approval of South Ayrshire Council prior to the adoption, or subsequent amendments, of their Constitution.

Community Councils should have a Code of Conduct within their Constitution.

A Community Council can conduct its business in a way that it considers appropriate for its own situation. These notes are for general guidance.

D1 Frequency

Community Councils shall meet at least six times between 1 April and the following 31 March for the conduct of formal business following elections and may hold additional meetings as required. The maximum period between meetings should not exceed three months.

D2 Advertising Meetings

A meeting must be advertised in public places at least seven days before the meeting is due to take place. The notice should be placed in a number of prominent locations in the Community Council area and on the Community Council's website. A copy should also be sent to communitycouncils@south-ayrshire.gov.uk

D3 Advance Notice to Members

Written notice of the meeting, an agenda and minutes of the previous meeting must be sent to all Members, including Councillors, and to the Link Officer at least seven days before the meeting is scheduled to take place. Other *ex officio* members shall be sent written notice, etc only where they request it.

D4 Attendance

All meetings of Community Councils, and any of its sub-committees, shall be open to the public, except that Community Council or sub-committee members may, by resolution agree to consider in private any items of business of a confidential nature, as defined in the Local Government (Access to Information) Act 1985. Proper provision is to be made for the accommodation of members of the public.

D5 Non Attendance

A member of a Community Council who fails to attend three consecutive meetings, without reasonable excuse or prior notification, shall be assumed to have resigned.

D6 Sederunt

A sederunt of all members and co-optees attending meetings of Community Councils, and any of its sub-committees must be attached to the minutes of any such meeting.

D7 Quorum

The Chairperson will call the meeting at the chosen time, date and location. If a quorum of members is not available the Chairperson can either (a) delay the start of the meeting, for a period not exceeding 15 minutes to see if more members arrive so that a quorum is achieved, otherwise (b) postpone the meeting to a later date if it is thought unlikely that more members will arrive. If the meeting is postponed, reasonable notice must be given before convening a new meeting.

The quorum will be not less than one half of the actual membership (rounded-up where there is an odd number of members).

D7.1 Co-opted members do count for the purpose of the quorum.

D7.2 As specialist co-optees do not require to reside in the area or sub area of the Community Council they do not count towards the quorum.

D8 Chairing the Meeting

In the absence of the Chairperson the Vice-Chairperson should conduct meetings. This should continue until the Chairperson arrives or until the business is completed. If the Chairperson and the Vice-Chairperson are both unavailable, an office bearer, whom failing, a member shall be selected by those present, as the first item of business, to conduct the meeting.

D9 Chairperson's Duties

D9.1 The Chairperson should conduct the business of the meeting, maintain order, decide who shall speak and if necessary request a speaker to draw their remarks to a close. All comments should be addressed to the Chairperson. Other speakers should be discouraged from commenting to allow order to be maintained and clear minutes of the meeting to be produced.

D9.2 The ruling of the Chairperson on any question of order, competence or relevance shall be final.

D9.3 The Chairperson may adjourn any meeting to a time he/she may then fix.

D10 Order of Business

The Chairperson should follow the order of business on the agenda unless circumstances change and the Community Council agrees changes to the order of business. A common order of business could be as follows:

D10.1 the Chair opens the meeting and the Secretary records the sederunt;

D10.2 any declarations of interest on matters of business on the agenda;

D10.3 apologies for absence;

D10.4 late items (include notification of any items to be considered under 'Any Other Competent Business');

- D10.5 approval of the minutes of:-
 - D10.5.1 the previous meeting of the Community Council;
 - D10.5.2 meetings of any sub-committees;
- D10.6 matters arising from the minutes that are not otherwise included on the agenda
- D10.7 correspondence;
- D10.8 open forum;
- D10.9 regular reports:-
 - D10.9.1 Treasurer;
 - D10.9.2 Secretary;
 - D10.9.3 Link Officer;
 - D10.9.4 Police;
- D10.10 special reports;
- D10.11 deputations may be heard;
- D10.12 ordinary items of business;
- D10.13 any other competent business not on the agenda but notice of which was given after the item recording apologies and was agreed by the Community Council to be discussed at this meeting; (Note: It is not possible to have a vote on matters taken under AOCB. If the matter is controversial it should be placed on the agenda for the next meeting.) and
- D10.14 arrangements for next meeting.

A standard Agenda which may be added to as circumstances require, is shown in Appendix D1 – Agenda.

Members of the public have a right to attend all Community Council meetings, but only have a right to speak at the annual meeting and other public meetings called for public consultation by the Community Council. The public may speak at ordinary meetings with the consent of the Chairperson or at the agenda item 'Open Forum' as described below.

Some Community Councils have an "open forum" as the final item on the agenda at all their regular meetings. This enables members of the public to bring matters of interest or concern within the community to the attention of the Community Council. Discussion during the "open forum" may not change any decisions taken earlier by the Community Council. If new information is made available, agreement may be reached to reconsider the matter at a subsequent meeting. The "open forum" item on the agenda is recommended as good practice. It should serve as another means of consulting with the public and enhancing the effectiveness and responsiveness of every Community Council.

D11 Voting on a Motion

- D11.1 The Chairperson should allow as full a discussion as possible of all of the items under consideration in conducting the business of the Community Council. The Chairperson may set a time limit on the duration of each speech if there are many individuals wishing to speak or where it is expected that discussion of a matter will be lengthy. It may be useful to allow a representative of each different point of view a short period to summarise their argument and respond to the opposing opinion.
- D11.2 If no agreement can be reached on a matter of business before the Community Council and the issue cannot be postponed until a later date, the matter shall be put to a vote. All votes shall be taken by a show of hands (except if the provision of paragraph D11.6 is invoked).
- D11.3 Voting itself shall be in accordance with the following procedure. A motion concerning the matter shall be proposed and then seconded. Anyone otherwise minded shall propose an amendment which must also then be seconded. Additional amendments may also be proposed and seconded. No-one shall be able to propose or to second more than one motion and amendment. Votes shall then be taken by a show of hands starting with the last amendment, then any other amendments in reverse order to the order in which they were proposed, then on the motion itself. Members shall be entitled to one vote only. The Chairperson shall have an additional or casting vote in the event of an equality of votes. When the votes have been counted the proposal which secures a majority of all votes cast shall be declared to be the decision. In exercising the casting vote, the Chairperson must support the *status quo* where that course of action exists, irrespective of his/her own views on the issue. This is because, in these circumstances, there is insufficient number of members willing to vote for change.
- D11.4 If the vote is taken where there is a motion and more than one amendment and no one proposal secures the majority of the votes cast, the proposal with the least number of votes shall be dropped and a fresh vote taken on the remaining proposals and so on until one proposal receives a majority of votes cast. Once a motion has been passed by the Community Council it should remain unchallenged. No motion contrary to it should be considered for a period of six months or for a period stated by the Community Council in its constitution.
- D11.5 A member who has not spoken on the matter may propose at any time during a discussion that a vote be taken immediately without further debate by requesting the "the question be now put". If this is seconded and the Chairperson believes that sufficient debate has taken place, then the proposer of the original motion shall be permitted to make a few brief remarks before it is put to an immediate vote. No one else is then permitted to speak.
- D11.6 If any member present at the meeting requests that the vote takes place by secret ballot, the Chair will then ask the Secretary to issue a paper to each member present and eligible to vote for each member to mark his/her vote in secret (usually the words will be 'FOR' or 'AGAINST' that will be written on the paper). A member who wishes to abstain should return an unmarked paper.

D11.7 The papers should then be folded up by each member to prevent anyone seeing how he/she has voted and passed to the Chair. The papers should be mixed up so as to prevent the identity of any voter being ascertained. The papers should be unfolded by the Chair who should read out 'FOR', 'AGAINST' or 'UNMARKED' as the case may be, and placed in separate bundles for each category. The total number of papers in each bundle marked either 'FOR' or 'AGAINST' will be counted and the Chair will declare the result. The procedure then will be the same as if the vote had been taken by a show of hands. The Secretary will then immediately dispose of the ballot papers in such a manner as to prevent anyone from examining the papers further. Where a ballot paper does not have 'FOR', 'AGAINST' written on it or is blank, it should not be counted but be rejected as being invalid.

D12 Register of Interests

Each Community Council will maintain a Register which will contain declarations by members of the Community Council in which they will disclose any financial or non-financial interest which they, or close family members, have which members of the public might reasonably think could influence their judgement on a relevant matter coming before the Community Council. The Register shall be maintained and kept by the Secretary or another office bearer if the Community Council so agrees. The Register shall be known as a Register of Interests and shall be available for inspection by members of the public. The Register of Interests will be in the form shown in Appendix D2. The fact that a Community Councillor has declared an interest in the Register does not affect their obligation to declare an interest at a meeting, in accordance with the immediately following paragraphs, should circumstances arise which would require such a declaration.

D13 Declarations of Interest

A member shall declare in advance any financial or other interest however minor that they or their immediate family may have in any matter which comes before the Community Council for consideration. The member shall withdraw from the meeting during consideration of this item of business and shall take no part in the discussions or decision. If a member is unclear as to whether something is sufficiently material so as to require him or her to make a declaration of interest he/she will declare it nevertheless for guidance to the Community Council who shall decide if the member should make a declaration of interest and accordingly withdraw. Unless those members present to whom the request for guidance has been made are unanimous that the matter does not require a declaration of interest, then the member will require to make a declaration of interest and to withdraw.

If it is subsequently established that a member had an interest in an item of business dealt with by the Community Council but had failed to declare that interest and to withdraw, the item of business shall be placed on the agenda of the next available meeting of the Community Council for re-consideration. The earlier decision may be adhered to or altered.

At that next meeting of the Community Council, the Community Council will also consider the position of the member who failed to make the declaration of interest and having considered this issue will be entitled to suspend the member from all meetings or activities of the Community Council for a period not exceeding 4 months.

The member who failed to make the declaration of interest will retire from the meeting during the reconsideration of the item of business and also during consideration of the matter of his/her suspension.

D14 Secretary's Duties

It is the Secretary's general responsibility to ensure that a true and accurate record is prepared of every Community Council meeting, in the form of minutes. The Scheme for Community Councils requires that minutes must record:

D14.1 the date, time and place of the meeting:

D14.2 the name and status of those members and other persons attending the meeting;

D14.3 the names and status of those members unable to attend, but who have presented apologies for non attendance;

D14.4 all decisions taken and actions approved; and

D14.5 the date, time and place of the next meeting;

The minutes must also:

D14.6 be distributed to all Members, Link Officer, and South Ayrshire Councillors and other *ex officio* members if they have requested at least 7 days before the next meeting;

D14.7 after approval by the Community Council, be sent to the Head of Policy, Community Planning and Public Affairs at communitycouncils@south-ayrshire.gov.uk

D14.8 be made available for inspection by the public.

Samples of: Agenda, Register of Interests, Sederunt and Minutes – Appendix D1 – D5.

D15 The First Meeting

The First Meeting of each Community Council following the triennial election shall be convened by a representative of South Ayrshire Council usually the Link Officer. Office Bearers will be elected at this meeting.

D16 Annual General Meeting

The Annual General Meeting should take place during the month of May and should:-

D16.1 approve the audited accounts for the preceding year (1 April – 31 March)

D16.2 hear reports from the Office Bearers for the preceding year.

D16.3 elect Office Bearers

D16.4 outline Community Council's plans for the forthcoming year.

The AGM can take place immediately prior to an ordinary Community Council meeting.

The election of Office Bearers may take place at the AGM in the second and third year of the Community Council. Office Bearers elected immediately following the election in the first year of the Community Council shall hold office until the second AGM.

Where an Office Bearer has demitted office at 31 March he/she may be invited to present his/her report in person or to submit a written report to be read out at the meeting. Where an Office Bearer (or former Office Bearer) had made a report in person he/she may answer any relevant questions about the report.

D17 Special General Meeting

Special General Meetings may be convened by a Community Council for the purpose of considering matters of interest or importance. These may, at the Community Council's discretion, be held as Public Meetings. No more than four such meetings may be called between Annual General Meetings.

D18 Minutes of Meetings

D18.1 All meetings of Community Councils, and its Sub-Committees, are required to be recorded in the form of written minutes.

D18.2 Minutes should be agreed and approved at the next meeting of the Community Council, or its Sub-Committee.

D18.3 A copy of the approved minutes must be sent to Head of Policy, Community Planning and Public Affairs, South Ayrshire Council, County Buildings, Wellington Square, Ayr at communitycouncils@south-ayrshire.gov.uk within two weeks of them being approved.

D18.4 Copies of all approved minutes should be made available for public inspection and displayed within the Community Council area and on the Community Council's website. Large print versions should be available and in other formats, if requested. Information on large print formats may be obtained from www.rnib.org.uk .

Agenda

XYZ Community Council

Meeting on [Date] to be held at [Time] am/pm at [Place]

1. Chairperson takes the Chair and the Secretary records the sederunt.
2. Declarations of interest.
3. Apologies for absence. (*Remind those present to sign Sederunt.*)
4. Notice of any items to be considered under Any Other Competent Business.
5. Minutes of:-
 - (i) The previous meeting of the Community Council.
 - (ii) Meetings of any Sub Committees.
6. Matters arising from the Minutes.
7. Correspondence.
8. Regular reports:-
 - (i) Treasurer's Report.
 - (ii) Secretary's Report.
 - (iii) Link Officer's Report.
 - (iv) Police Report
9. Special Reports. (*The Elected Member, if present, may make a report.*)
10. Deputations may be heard.
11. Ordinary Items of Business.
12. Any Other Competent Business.
13. Open Forum.
14. Arrangements for next meeting.

Register of Interests

XYZ Community Council

I, _____, a member of the XYZ Community Council give notice

either

I have no interest to declare

or

I have set out below under the appropriate heading interests which either I, or a close family member, has which members of the public might reasonably think could influence my judgement on a relevant matter coming before the Community Council.

1. Employment, office, trade, profession or vocation

2. Sponsorship

3. Contracts

4. Interests in land or property

5. Membership of local Groups or Associations

6. Other – please specify

Signed: _____

Date: _____

Note: *The Register of Interests should be updated as required and reviewed annually by all Community Councillors, including co-opted and specialist Members.*

(A Sederunt can be used when the Secretary chooses not to list those present on the actual Minutes. The Sederunt must however be attached to the Minutes.)

XYZ COMMUNITY COUNCIL

Held on [Date] [Place] at [Time]

S E D E R U N T

PRESENT: *(List here full Community Councillors)*

NAME	SIGNATURE
Janet Green (Chair)	
William Black (Vice-Chair)	
Tracey White (Secretary)	
Graham Brown (Treasurer)	
Jean Brown	
Ian Orange	
John Pink	
Margaret Purple	
Shona Turquoise	

IN ATTENDANCE *(List here Elected Members, local PC, Link Officer etc)*

NAME	SIGNATURE
Councillor Walter Pigeon	
Alan Sparrow (Link Officer)	
Constable Ewan Seagull (Community Police)	

MEMBERS OF THE PUBLIC

NAME	SIGNATURE

XYZ COMMUNITY COUNCIL

Minutes of Meeting held on [Date] [Place] at [Time]

PRESENT: *[List here all Community Councillors (with office, as appropriate and Co-optees in attendance)]*

ATTENDING: *[List here Elected Member, Link Officer, Local Police Constable]*

APOLOGIES: *[List here apologies for absence received]*

ACTION BY

1	<p>MINUTES OF PREVIOUS MEETING</p> <p>The minutes of the meeting held on XX at XXX should be recorded as accurate (or amended as appropriate) and proposed and seconded. The name of the proposer and seconder should be recorded in the minutes.</p>	-
2	<p>DECLARATION OF INTEREST</p> <p>If there are none state "None".</p>	-
3	<p>MATTERS ARISING</p> <p>Matters can be raised here from the previous meeting that were not otherwise on the Agenda.</p>	-
4	<p>CORRESPONDENCE</p> <p>The Secretary would intimate here all the correspondence he/she had received since the previous meeting. Any decision made regarding correspondence received should be noted.</p>	Secretary
5	<p>REGULAR REPORTS</p> <ul style="list-style-type: none"> • Treasurer's Report: XXXXXX, Treasurer would intimate the current financial position of the Community Council and report any income received and expenditure incurred since the last meeting • Secretary's Report: XXXXXX, The Secretary could intimate here that he/she had written letters as instructed at the previous meeting. • Link Officer's Report. • Police Report. 	

ACTION

6	<p>ELECTED MEMBER</p> <p>The Elected Member would report on any issues carried forward from the previous meeting. If the Community Council raise anything with the Elected Member it should be noted here.</p>	Elected Member
7	<p>ORDINARY ITEMS OF BUSINESS</p>	
8	<p>ORDINARY ITEMS OF BUSINESS</p>	
9	<p>DEPUTATIONS</p> <p>If any are received they should be noted here, otherwise this item may be omitted.</p>	
10	<p>ANY OTHER COMPETENT BUSINESS</p> <p>It should be noted here any other items of business that were considered that was not listed on the Agenda.</p>	
11	<p>OPEN FORUM</p> <p>The Community Council is now opened up to all those in attendance. This item gives members of the public present the opportunity to raise any areas of concern they may have. All issues raised must be noted.</p> <p><i>This item may be taken at the beginning of the meeting which allows members of the public to leave should they not wish to sit through a full Community Council meeting.</i></p> <p>The minutes may record a list of points made during this item.</p>	
12	<p>DATE, TIME AND PLACE OF NEXT MEETING</p> <p>The date, time and place of the next meeting is noted here.</p>	

(The name(s) of the person(s) who should undertake action agreed should be written in the 'Action' column.)

SECTION E

FINANCIAL MANAGEMENT

- E1 - Accounts
- E2 - Property Lists
- E3 - Dissolution
- E4 - Community Councils Administration Grant
- E5 - Specific Grant
- E6 - Assistance
- E7 - Guidelines for Treasurers
- E8 - Approved Expenditure for Community Council Business
- E9 - Outwith the scope of Community Council Administrative Grant
- E10 - Dissolution of a Community Council
- E11 - Assets of Dissolved Community Councils
- E12 - Cashbook
- Appendix E1 - Guidance for Community Councils on Cashbook Completion

E FINANCIAL MANAGEMENT

E1 Accounts

- E.1.1 The Treasurer will be responsible for ensuring that the Community Council's accounts are kept up-to-date. The Treasurer must also ensure that monthly accounts, book of account, bank books and statements, together with a list of all assets are available for inspection at each meeting of the Community Council. The Treasurer will report on any concerns which he/she may reasonably have about the accounts/property to the first available meeting of the Community Council.
- E1.2 At each 31 March the Treasurer shall prepare a set of Accounts comprising of a Balance Sheet and Income and Expenditure Account. These accounts should represent a true record of the Community Council's financial transactions for the previous twelve months. In cases where the Community Council receives a grant from South Ayrshire Council, the grant received and how it was spent shall be disclosed in the Accounts.
- E1.3 The Treasurer shall then arrange for these accounts to be checked and properly vouched for by an auditor or independent examiner. The financial year for all Community Councils shall commence on 1 April and end on 31 March of the following year. Preferably, Annual Accounts should be audited by a qualified accountant (CCAB), but may be persons approved by South Ayrshire Council who have a minimum of an HNC in Accountancy or its equivalent. Proof of qualification will be required, prior to approval. Alternatively, the Annual Accounts may be submitted to Executive Director, Resources, Governance and Organisation of South Ayrshire Council for auditing. Audited accounts must then be submitted to the Head of Policy, Community Planning and Public Affairs, South Ayrshire Council.
- E1.4 Once the audited accounts are received by the Secretary from the Treasurer they shall be distributed to the members of the Community Council and at the next meeting of the Community Council they shall be discussed and, if appropriate, accepted by the Community Council. Thereafter a date for the Annual General Meeting shall be set by the Community Council and the agenda, copies of papers referred to in the agenda and copies of the previous minutes shall be attached to the agenda. Copies of the agenda, papers, minutes and the audited accounts shall be made available to the members of the public at the Annual General Meeting but shall also be made available for inspection at a place specified in the public notice giving intimation of the date and time of the Annual General Meeting. Provided the correct public notification is given it may be possible for Community Councils to make arrangements to ensure that the Annual General Meeting follows immediately after the meeting of the Community Council at which the audited accounts are accepted.
- E1.5 The Treasurer is required to present the accounts to the Annual General Meeting and to reply to any questions which may be raised. If there are no questions concerning the accounts then a resolution accepting them shall be proposed, seconded and put to a vote of all qualified electors present at the Annual General Meeting.
- E1.6 The Community Council shall send a copy of the audited accounts to the Head of Policy, Community Planning and Public Affairs as soon as possible once they have been approved by the Annual General Meeting.

E2 Property Lists

- E2.1 The Treasurer is also responsible for maintaining an up-to-date inventory of all Community Council assets. The list should include all equipment, furnishings and property and should also indicate the normal location where the items are used and stored. The list must be given to the auditor for inclusion in each annual audit and may be made available to any designated officer of South Ayrshire Council if requested. The list must specify the date of acquisition of the property and must specify the source from whom the property was obtained or the source from whom the funds were received to acquire the property. It must also include the estimated value of the property.
- E2.2 The Treasurer is also responsible for the safety and security of all the Community Council's assets unless another person or persons have been specifically appointed, by the constitution or by a minuted resolution of the Community Council, to be responsible.
- E2.3 It is recommended that the Treasurer should seek competent advice appropriate to the value of the assets to ensure their safety and security. The Community Council is also recommended to consider the matter of insuring its assets and it should be the Treasurer's responsibility to provide information to allow a considered decision to be made (see Section J2.5).
- E2.4 If any person wishes to use any asset of the Community Council they should make an application in writing to the Secretary for this. Before agreeing to allow any other person to use an asset, the Community Council must check regarding insurance that it is permissible so to do (See Section J2.5). Any decision to allow any other person to use an asset or property of the Community Council must be taken at a meeting of the full Community Council. If the Community Council agrees to such person making use of any asset or property the Secretary will write to the person confirming the asset which may be used and the period during which it may be used and any other conditions which may be imposed by the Community Council. The person making the request must acknowledge the Secretary's letter in writing and must acknowledge that they have full responsibility for the asset during the period which they make use of it.

E3 Dissolution

On dissolution of the Community Council the Treasurer will co-operate fully with South Ayrshire Council to ensure the proper application of funds and property on dissolution as specified in the Scheme (see paragraph E10).

E4 Community Council's Administration Grant

- E4.1 South Ayrshire Council will make an initial grant for administration, to each Community Council within its area, based on the electorate of each Community Council on the following basis. The initial grant will be awarded triennially following the Community Council elections.

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

- E4.2 Each Community Council will receive a letter in February/March of each year reminding the Community Council of the process for claiming the next year's administration grant.
- E4.3 In the second and subsequent years of operation of this Scheme, a basic grant reimbursing Community Councils for expenditure on approved items (as per the 'Guidelines for Treasurers' below) for the previous year will be made.
- E4.4 The Head of Policy, Community Planning and Public Affairs must have received copies of all Community Council minutes and sederunts. At least six of the Community Council meetings must have been quorate. Administration grants will not be issued unless copies of Community Council minutes are held on file by South Ayrshire Council (See Section D.14.7).
- E4.6 South Ayrshire Council may review the level of basic grant awarded to Community Councils at any time.

E5 Specific Grant

In addition to the basic grant as outlined in E4 above, South Ayrshire Council may make available additional funds for specific projects. Application forms for additional funds for specific projects can be obtained from the Grants Officer, Resources, Governance and Organisation, South Ayrshire Council, Burns House, Burns Statue Square, Ayr KA7 1UT (Telephone: 01292 616245 or grants@south-ayrshire.gov.uk)

E6 Assistance

- E6.1 South Ayrshire Council shall establish a Forum for Community Councils which shall offer the opportunity for Community Councils to be involved in the Council's policy development processes.
- E6.2 The South Ayrshire Council Forum for Community Councils will endeavour to provide further assistance and training on subjects and issues as identified by the Forum.
- E6.3 South Ayrshire Council will provide each Community Council with a minimum 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.
- E6.4 South Ayrshire Council will make its in-house printing and photocopying facilities available at Council services internal rates to all Community Councils, subject to local negotiation.

E7 Guidelines for Treasurers

- E7.1 The Treasurer must ensure there is an audit trail for all entries of income and expenditure. This entails having evidence of income and expenditure; this usually takes the form of receipts, but could be the number of tickets sold at a certain price, so as to reconcile with the income being quoted. Enter gross income and gross expenditure amounts in the books not the net amount i.e. do not deduct the expenditure from the income before entering into the books.
- E7.2 A note should be kept of any cash advances, and this should be signed by the person receiving the cash advance. Only once the expenditure has been accounted for and receipts provided should the cash book be written up, otherwise double accounting can occur.
- E7.3 The Treasurer must reconcile the bank statement to the books every month/quarter by checking off the items in the bank statement to the Bank Book and agreeing the balance.
- E7.4 The Treasurer must reconcile cash held with the balance in the cash book at the same time as the bank book.

E8 Approved Expenditure for Community Council business

- E8.1 The following list is approved items of expenditure for Community Council business.
- E8.1.1 Telephone calls.
 - E8.1.2 Postage.
 - E8.1.3 Stationery.
 - E8.1.4 Hire of Halls/Rooms for Community Council meetings.
 - E8.1.5 Expenses for attending local ceremonies, South Ayrshire Council meetings.
 - E8.1.6 Subsistence.
 - E8.1.7 Subscriptions.
 - E8.1.8 Affiliation Fees.
 - E8.1.9 Audit Fees.
 - E8.1.10 Honorarium as per E8.3.
 - E8.1.11 Remembrance Day Wreaths.

All expenditure **must** be accompanied by receipts. All expenditure must relate to Community Council business.

- E8.2 Should a Community Council have any queries on approved items of expenditure please contact the Services Planning and Election Manager, Resources, Governance and Organisation (01292 612181 or william.pollock@south-ayrshire.gov.uk or the Community Council's Link Officer prior to any expenditure being incurred.

E8.3 In addition to the above areas of expenditure not more than 10% of the total of the initial grant as detailed in E4 can be used for honorariums. Honorariums may be awarded at the end of each financial year when the financial surplus is known to each Community Council.

E8.3.1 In the event of a fee requiring to be paid for secretarial services, i.e. Minute taking, this fee should be no more than 10% of the administration grant.

E8.4 Up to 20% of the total administration grant can be used for donations to local voluntary organisations within the Community Council area, up to a maximum of £50 per organisation. Community Councils should not build up reserves of money. The Community Council administration grant is public money and any surplus funds should be gifted to suitable projects, activities within the Community Council areas, as described above.

E8.5 Revenue raised from events organised by the Community Council will be disbursed in whichever way it decides at its meetings, but again should be targeted at projects within the Community Council area.

E9 Expenditure Outwith the scope of the Community Council Administration Grant:-

E9.1 The following items of expenditure are not permitted.

E9.1.1 Gifts (over the value of £10).

E9.1.2 Donations to bodies outwith the Community Council boundary.

E9.1.3 Donations to political parties.

E9.2 Any expenditure, other than that listed under 'approved items', must be explained when accounting for the Community Council's administration grant. Failure to do so will delay payment to allow an investigation to take place.

E9.3 South Ayrshire Council's Internal Audit does audit the administration grant process. It is important, therefore, to forward copies of all minutes and detail all items of expenditure. Compliance with the above will expedite the process.

E10 Dissolution of a Community Council

E10.1 A Community Council will be dissolved if it has

E10.1.1 failed to hold any meetings or quorate meetings for a period of six months or

E10.1.2 failed to submit minutes of any meetings for a period of one year.

E10.1.3 insufficient number of Members.

E10.2 No Community Council shall be declared to have ceased to function unless South Ayrshire Council has made attempts to contact the last known members of the Council and has placed an advertisement in the local press to ascertain the extent of any public interest or need for a Community Council in that area.

E10.3 Where a Community Council has been declared to have ceased to function South Ayrshire Council shall cease to send information to that Community Council.

E11 Assets of Dissolved Community Councils

Where a Community Council has ceased to function, the last Treasurer shall

E11.1 submit to the Head of Policy, Community Planning and Public Affairs of South Ayrshire Council, the accounts and all bank books, etc, in his/her possession. Any remaining funds should be disbursed in accordance with the Constitution of that particular Community Council and a statement to that effect given to South Ayrshire Council. If no provision exists in the Constitution then the funds shall be held in trust for a maximum period of three years by South Ayrshire Council until a new Community Council is formed.

E11.2 Before any funds are transferred or gifted, the Community Council shall return to South Ayrshire Council the balance of any grant unexpended for that financial year.

E11.3 Should a Community Council fail to return their accounts to be audited when they have wound up voluntarily, or have ceased to function, South Ayrshire Council shall have the right to take legal action to have the balance of any funds returned to it.

E12 Cashbook

Enclosed is a sample Cashbook which a Community Council may wish to consider using. The Cashbook is available in electronic format, please contact the Head of Policy, Community Planning and Public Affairs, Resources, Governance and Organisation, South Ayrshire Council at communitycouncils@south-ayrshire.gov.uk

GUIDANCE
for
COMMUNITY COUNCILS
on
CASHBOOK COMPLETION

Introduction

One of the key positions is that of Treasurer, and South Ayrshire Council would wish to provide support to Treasurers, with or without experience, in the handling of a Community Council's financial affairs. Financial accounts submitted to the Council have generally been satisfactory but some individual design features and recording of transactions practices have been noted. These forms will assist in standardising the recording of financial transactions, assist audit requirements and enable the Council and Community Councils to collate valuable information on the disbursement of Community Council funds.

Style and Presentation

Community Councils are requested to agree the **Cashbook** forms. There is one style for **Income** and one style for **Expenditure** – and the total values from those sheets are transferred on to an **Income and Expenditure Summary**. Explanations of what to include in which columns are shown later in this guide. A checklist is attached showing the records which should be submitted.

Guidelines

As well as making standard headings for the types of expenditure, the **Expenditure** form has a column for '**voucher reference**' to show the reference number of the receipt. This is so that the receipt, which the Community Council must obtain for each payment it makes, is numbered for cross reference purposes. Receipts should be attached for ALL items. ALL supporting vouchers should be numbered sequentially and stored in numerical order. If for any exceptional reason, this is not possible, then a note of explanation giving as much detail as possible should be signed and dated by a member of the Community Council and attached to the receipts' file.

Benefits

Where Community Councils conform to the Guidelines, South Ayrshire Council's annual disbursement of grants should be completed swiftly and with the minimum of disruption to the activities of Community Councils.

The Income Form

The headings chosen for the **Income** form reflect the headings already being used by most Community Councils.

- **date** the date the money was received
- **received from** enter the details of the organisation which or person who gave the money or the fund-raising event, if this appropriate
- **receipt number** for cross-reference purposes
- **current bank a/c** enter bank if the money was deposited directly into the bank
- **deposit bank a/c** enter bank if the money was deposited directly into the bank.
- **cash** enter cash if the money has yet to be deposited into the bank
- **total** this is the total amount received

Enter the amount received into the appropriate column (numbered 1-7, column 7 is for contra entries).

The **TOTAL** at the bottom of the page is the total of all the items in each column – and should, of course, add both down and across.

If the Community Council has had more items of income than can fit onto one page, please use as many pages as are needed. The final total on the last page is the one which needs to be transferred to the **Income and Expenditure Summary**.

The Expenditure Form

These headings have been used so as to bring more consistency to the recording and reporting of Community Councils' financial transactions.

- **detail** to where the money was paid
- **date** the date the item was paid
- **cheque number/voucher ref.** the **cheque number** if the item was paid by cheque and **voucher reference**
- **payee** the person to whom or the organisation to which the money was paid
- **office bearers** the expenses paid to office bearers, such as Chair, Secretary or Treasurer
- **subscriptions, donations, gifts** voluntary payments to other bodies or persons
- **stationery, photocopying, postage** items of an office supply nature
- **fund-raising and advertising** the cost of staging events and the cost of any sort of advertising
- **bank charges** as shown on the bank statement
- **miscellaneous** miscellaneous expenditure
- **equipment** the purchase or rent of any equipment
- **rent or hall hire heat and light** rent paid for the use of premises including gas or electricity
- **insurance** if paid by the Community Council
- **outings and parties** the cost of social events organised by the Community Council
- **contra** see sample transactions sheet

It is important that **every** item of expenditure is supported by a receipt.

The **TOTAL** at the bottom of the page is the total of all the items in each column – and should, of course, add both down and across.

If there are more items of expenditure than can fit on one page, please use as many pages as are needed. The final total on the last page is the one which needs to be transferred to the **Income and Expenditure Summary**.

The Income and Expenditure Summary (on the Income Form)

Enter the values in lines 1 to 7 and enter the Total Income into line 8.

Enter the values in lines A to L and enter the Total Expenditure into line M.

Subtract line M from line 8 to arrive at the Net Income or Expenditure and enter this value into box 8 – M.

Bank Reconciliation

To allow reconciliation of both cash and bank balances (and this is considered necessary), a separate cash and bank column is maintained on both the income and expenditure pages. This allows the cash balance to be squared to the cash in hand, and allow a bank reconciliation to be carried out. A basic guide to bank reconciliation follows and a standard reconciliation form is attached.

Bank Reconciliation Guidelines

- 1 A bank reconciliation is necessary because:-
 - (a) the bank statement date may not coincide with the date at which you wish to check the cash book balance.
 - (b) there may be entries through the cash book which may not yet appear in the latest bank statement. Similarly, there may be transactions through the bank statement which are not yet reflected in the cash book.

- 2 The bank reconciliation is carried out as follows:-
 - (a) Bring the cash book up to date by checking the bank statement for any automatic transactions ie direct debits, NACS receipts, bank charges or interest. If there are any, these should be entered in the cash book. The adjusted cash book balance will now be obtained by deducting expenditure from income.
 - (b) Using a standard reconciliation form similar to the attached write down the balance shown on the latest bank statement.
 - (c) Add to this figure any lodgements you have made but which do not appear on the bank statement, ie lodgements not yet credited.
 - (d) Deduct any cheques recorded in the cash book which do not appear on the bank statement. Include those cheques shown as unpresented (or outstanding) on the previous bank reconciliation which are still not through the bank ie cheques not yet presented.
 - (e) This calculation produces the adjusted bank statement, and should agree with the adjusted cash book balance. If the figures now agree, then the bank account has been reconciled.

- 3 If the two figures do not agree, carry out the following checks:-
- (a) re-check figures used in the reconciliation, and check the arithmetic.
 - (b) check the cash book additions, carry forwards and calculations of the balance.
 - (c) check that the cash book figures agree with the bank statement figures.
 - (d) check that no outstanding cheques have been omitted in error.

_____ Bank Account

Bank reconciliation as at _____

£

Balance per bank statement dated _____

ADD Lodgements not yet credited:-

Date: £

DEDUCT Cheques not yet presented:

Cheque No. Date £

Adjusted Bank Balance

Adjusted Cash Book Balance

* These two figures should be the same.

Completed by: _____

Date: _____

Checked by: _____

Date: _____

COMMUNITY COUNCIL CASHBOOK SAMPLE TRANSACTIONS

Transaction

1. Analysis Columns

A new cash book is set up at the start of each new financial year (1 April). There is a need to decide on an appropriate number of analysis columns.

Entry in Cash Book

- (a) Income – decide on what types of income are received, eg bank interest, council grants, other grants, fund-raising activities, donations and other income. A 'contra' column should also be inserted.
- (b) Expenditure – decide on what types of expenditure are incurred, eg office bearers expenses, honorariums, subscriptions/donations/gifts, stationery/ photocopying/ postage, fund-raising activities, bank charges, repairs/renewals, equipment, rent/hall hire etc, insurance and outings/parties events. A 'contra' column should also be inserted.
- (c) Add these (b) and (c) headings to the top of the analysis columns in the cash book.

2. Opening Balance

The opening cash and bank balances must be entered into the cash book. In this example the Community Council has a zero cash balance, £1000.00 in its current a/c and £2000.00 in its deposit or savings a/c.

- (a) Go to the income side of the cash book.
- (b) Enter the date; enter balance b/f and insert amounts in relevant columns, ie current bank ac/c, deposit bank a/c and cash, also in 'contra' column as it was the balance b/f from previous financial year.

3. Cash Income

This may be in the form of donations if eg the Community Council holds a series of fund-raising days. For example week commencing 8 February 2013:-

8/2/13 -	£ 80.50
9/2/13	£ 45.50
10/2/13	<u>£ 74.00</u>
	<u>£200.00</u>

Of course, all the above amounts would initially be recorded in the donations record book.

- (a) The cash book is written up weekly: on Friday (if required).
- (b) Go to income side of the cash book.
- (c) Enter either day money was collected or date money paid to Treasurer (in this example money paid to Treasurer on Friday 12/2/13).
- (d) Under 'Received from (Details)' enter 'Donations w/c 8/2/13.
- (e) Under 'Receipt No' enter 'Donations'.
- (f) Under 'Cash' enter the daily amounts or the weekly total (in this case the weekly total as at Friday 12/2/13 is £200.00).
- (g) Under analysis column headed 'Donations' enter amount(s) collected.

4. **Cheque Income**

The Community Council receives its administrative grant from South Ayrshire Council to the value of £600.00 on 21/4/13

- (a) A receipt is sent to South Ayrshire Council, a duplicate of which remains in the receipt book.
- (b) Go to the income side of the cash book.
- (c) Enter date cheque was received – 21/4/13
- (d) Under 'Received From (Details) enter 'Council Grant'.
- (e) Under 'Receipt No' enter number of duplicate receipt (eg 004).
- (f) Under 'Cash Column' enter amount of cheque (£600.00).
- (g) Under analysis column header 'Council Grants' enter the amount again (£600.00).

5. Transferring Cash to Bank

On 21/4/13 the Community Council is holding £600.00 of income which requires to be banked.

- (a) Go to expenditure side of the cash book.
- (b) Enter date cash is being transferred.
- (c) Under 'Detail' enter 'Cash to Bank'.
- (d) Under 'Voucher Reference' enter 'Contra'*.
- (e) Under 'Cash Column' enter amount being transferred (£600.00).
- (f) Under analysis column head 'Contra' enter the amount again (£600.00).
- (g) Go to income side of the cash book.
- (h) Enter the date cash is being transferred.
- (i) Under 'Detail' enter 'Cash to bank'.
- (j) Under 'Receipt No. enter 'Contra'.
- (k) Under 'Deposit Bank A/c' enter amount transferred (£600.00).
- (l) Under analysis column headed 'Contra' enter the amount again (£600.00).

*What is a 'Contra' entry?

A contra entry involves the movement of funds between cash and bank; between bank accounts, or between fun categories (eg Donations to Fund-Raising Activities). A contra entry does NOT change the overall balance of the fund.

6. Making a Purchase by Cheque

The Community Council buys equipment from 'Interoffice' by cheque. On 25/9/13 a purchase totalling £150.00 is made against cheque number 000112. A receipt is obtained and given the next available consecutive receipt number (in this case 021).

- (a) Go to expenditure side of cash book.
- (b) Enter the date purchase was made.
- (c) Under 'Detail' enter 'Interoffice'.
- (d) Under 'Cheque Number' enter "cheque no and receipt no" (000112/021).
- (e) Under 'Bank/Cheque Amount' column enter the amount of the purchase (£150.00).
- (f) Under the analysis column headed 'Equipment' enter the amount again.

7. Establishing a Cash Float

It may not always be possible to make a purchase using a cheque and purchases should not be made from income, therefore a cash float is needed. The Treasurer decides to set up a cash float of £20.00 on 6/10/13 by drawing a cheque (No 000113) from the bank for £20.00.

- (a) Go to the expenditure side of the cash book.
- (b) Enter date cheque is drawn.
- (c) Under 'Detail' enter 'Petty Cash' Float.
- (d) Under 'Cheque No' enter '000113'.
- (e) Under 'Bank/Cheque Amount' column enter the amount of the float (£20.00).
- (f) Under 'Contra' column enter the amount again (£20.00).
- (g) Go to the income side of the cash book.
- (h) Enter date cheque is drawn; detail 'Petty Cash Float'.
- (i) Under 'Receipt No' enter 'Contra'.
- (j) Under 'Cash' column enter the amount of the float (£20.00).
- (k) Under 'Contra' column enter the amount again (£20.00).

8. Petty Cash Purchases

A separate notebook may be kept to record petty cash purchases. The total from this can be transferred to the cash book weekly. The Community Council makes 3 purchases during the week commencing 17/10/13:-

Receipt book	-	£1.50
Batteries	-	£1.50
Torch	-	£2.00

These receipts have been retained and numbered pc001 to pc003.

- (a) Add up total of the purchases (£5.00). Deduct this from float (£20.00) = £15.00. Check this agrees with actual cash in hand.
- (b) Go to expenditure side of the cash book.
- (c) Enter date; Under Detail enter Petty Cash Purchases – 17/10/13 to 22/10/13 and under 'Voucher Reference' enter pc001 to pc003.
- (d) Under 'Cash' column enter total purchases (£5.00) and under analysis column headed 'Miscellaneous' enter total again (£5.00).

9. Topping up the Petty Cash Float

Since 8 above, has depleted the Petty Cash Float it is necessary to bring it up to its normal level of £20.00.

This should be done after the Treasurer has checked the cash balance and the receipts detailed above in 8.

- (a) Write a cheque for the amount needed to make up the Float (£5.00) Cheque no 000114.
- (b) Go to the expenditure side of the cash book.
- (c) Enter date; under detail enter Petty Cash Top-up, under cheque no 000114.
- (d) Enter amount of cheque (£5.00) under Bank/Cheque Amount column.
- (e) Enter amount again under 'Contra' column.
- (f) Go to income side of cash book.
- (g) Enter date; Under 'Received from (Details)' enter 'Petty Cash Top-up' and under 'Receipt No' enter 'Contra'.
- (h) Under 'Cash' column enter £5.00 and under 'Contra' column enter amount again.

10. Bank Interest

When a bank pays interest this will be shown on bank statements. This must be added to the income side of the cash book.

The bank pays interest of £90.00 on the Deposit Bank A/c on 2/11/13.

- (a) Go to the income side of the cash book.
- (b) Enter date; under Detail enter 'Bank Interest'.
- (c) Under 'Receipt No' column enter 'Bank Statement'.
- (d) Enter amount of interest (£30.00) under 'Deposit Bank A/c column.
- (e) Enter amount of interest under analysis column 'Bank Interest' (£90.00).

11. Out of Date Cheque

If a cheque has not been cashed within six months it may not be accepted by the bank, therefore it has to be written back through the cash book. In November 2013 it is noted that a cheque written in May 2013 had not been cashed (cheque no 00082 for £300.00).

- (a) Go to the income side of the cash book.
- (b) Enter date; under 'Detail' write "Write back of out of date cheque 000082".
- (c) Under; Receipt No' enter original cheque number 000082.
- (d) Under 'Current Bank A/c' enter amount (£300.00).
- (e) Under analysis column 'Other Income' enter amount again.

12. Check Totals

It is possible to check that the 'double entry' system has been followed by calculating 'Check Totals'.

- (a) On income side of cash book add together the cash and bank columns (£).
- (b) Then add together all of the analysis columns (£).
- (c) Do the same on the expenditure side of the cash book (£).

Transaction Reference Column

Note that for reference has a transaction reference number. These correspond to the examples above and will not be featured in your actual accounts when you prepare them.

Preparation of Year End Statement

The above transactions are to be added together on each side of the cash book and the totals transferred, once satisfactorily balanced to the document:

YEAR END STATEMENT – RECEIPTS AND PAYMENTS STATEMENT FOR YEAR TO 31/3/XX.

Note

- b/f - brought forward
c/f - carried forward
w/c - week commencing

When transferring the income and expenditure details to the Receipts and Payments Statement ignore the contra column totals. These are simply used to balance the income and expenditure totals.

Community Council Cashbook

EXPENDITURE

TransRef	details	date	cheque number/ voucher reference	current bank a/c/ cheque amount	deposit bank a/c	cash	total	office bearers expenses	honoraria	subscriptions donations gifts	stationery photocopying postage	fund-raising advertising	bank charges	misc	equipment	rent or hall hire heat and light	insurance	outings parties, events	Contra
5	Cash to bank	18.9.13	Contra			820.00	820.00												820.00
6	Interoffice	25.9.13	000112/ 021	150.00			150.00								150.00				
7	Petty cash float	6.10.13	000113	20.00			20.00												20.00
8	Petty cash purchases 21.10.01 – 26.10.01	26.10.13	pc001 to pc003			5.00	5.00							5.00					
9	Petty cash top-up	26.10.13	000114	5.00			5.00												5.00
12			TOTAL	175.00		825.00	1000.00							5.00	150.00				845.00

Enter on to Income and Expenditure Summary at line **M A B C D E F G H I J K L**

(NAME) COMMUNITY COUNCIL
RECEIPTS AND PAYMENTS STATEMENT FOR
FINANCIAL YEAR TO 31.3.XX

	£	£	£	£
Balance b/f:				
Cash	0.00			
Current a/c	1000.00			
Deposit a/c	2000.00	3000.00		
Bank Interest	90.00		Miscellaneous	5.00
Council Grants	600.00		Equipment	150.00
Donations	200.00			
Other Income	300.00			
TOTAL INCOME		1190.00	TOTAL EXPENDITURE	155.00
			Balance c/f:	
			Cash	20.00
			Current a/c	1125.00
			Deposit a/c	2910.00
				4055.00
		4190.00		4210.00

Accounts prepared by(signature)(date)
.....(designation)

Accounts audited by 1(signature).....(date)
.....(designation)

2(signature).....(date)
.....(designation)

_____ Bank Account
 Bank Reconciliation as at _____

£

Balance per bank statement dated _____

ADD Lodgements not yet credited:-

Date: _____ £

DEDUCT Cheques not yet presented:-

Cheque No. Date £

Adjusted Bank Balance

Adjusted Cash Book Balance

* These two figures should be the same.

Completed by: _____

Date: _____

Checked by: _____

Date: _____

SECTION F

CO-OPTION

- F1 - Filling a Vacancy
- F2 - Specialist Co-option
- Appendix F1 - Sample notice for the filling of Vacancies
- Appendix F2 - Sample Notice for Co-option
- Appendix F3 - Sample Notice for Specialist Vacancy
- Appendix F4 - Sample Notice for Specialist Co-option

F CO-OPTION

A person may be co-opted onto a Community Council for the undernoted reasons.

F1 Filling a Vacancy

F1.1 Community Councils may not have their full complement of members. Community Councils may, therefore, advertise for members of the public to fill these vacancies. Appendix F1 illustrates a draft advert.

F1.2 If a member of the public comes forward to fill a vacancy his/her name will be considered at the next Community Council meeting. If the Community Council agrees by a majority to invite the person to fill the vacancy the nomination of the person must be proposed, seconded and minuted.

F1.3 A member of the public filling a vacancy must:-

F1.3.1 be over 18 years of age at the day on which they are proposed and either

F1.3.2 have his/her name appear on the Register of Local Government Electors for the area of the Community Council, or

F1.3.3 reside in the Community Council area or relevant sub area.

A Community Councillor being co-opted in this manner:-

F1.3.4 may hold office until the next 31 March and then stand for full membership if he/she so wishes.

F1.3.5 counts towards the quorum.

F1.3.6 has voting rights.

F1.3.7 may hold office, except for Chairperson or Treasurer.

F1.3.8 may not serve as a co-optee for longer than eleven months.

F1.3.9 may not be co-opted again to fill a vacancy for the next year.

F1.4 In the event of there being more nominations than the number of vacancies, a draw by lot must take place. The Link Officer, or in his/her absence someone other than a full member of the Community Council, should place all the names (written on individual papers, each which should be folded up separately) in an open container and draw out names until the number of vacancies existing have all been filled.

F1.5 The names only of members of the public co-opted must be advertised for a period of at least 21 days. Appendix F2 illustrates a draft notice.

F2 Specialist Co-option

F2.1 Members of the public may be co-opted onto a Community Council for a specific project. Specialist co-optees' appointments then have to be received and approved by the Community Council. The appointment of a specialist co-optee must be advertised in the same manner as above. Appendix F3 and F4 illustrates draft notices.

F2.2 Specialist co-optees do not require to reside within the Community Council area. They, therefore do not count towards the calculation of the quorum. They have no voting rights and are not permitted to hold office.

XYZ COMMUNITY COUNCIL

VACANCIES

The XYZ Community Council currently has X vacancies.

Community Councils give local people a real say in matters such as local service delivery and other issues which affect daily lives.

Community Councils have a local and statutory interest in the planning process. Local Authorities are required to consult Community Councils on planning applications affecting their areas.

Liquor licensing and some other licensing matters may also be of keen interest to Community Councils and are areas on which Community Councils views might usefully be sought.

Anyone resident within the area of XYZ Community Council who is aged 18 years or over who is interested in becoming a Community Councillor should contact the Secretary as detailed below before XXXX-20XX. [4 weeks should be allowed from the date of publication of the notice for nomination to be received]

J Brown
Secretary
XYZ Community Council
10 Main Street
Merrytown
[Telephone No]
[Email]
[Date]

XYZ COMMUNITY COUNCIL

CO-OPTION

Notice is made that Rona Blue, 71 Green Road, Merrytown was duly co-opted onto XYZ Community Council until 31 March, XXXX at the XYZ Community Council Meeting held on XX XXX 20XX.

Anyone wishing to comment on this co-option should do so to the Secretary as detailed below no later than [*within 4 weeks of the date of this notice*]

J Brown
Secretary
XYZ Community Council
10 Main Street
Merrytown
[Telephone No]
[Email]
[Date]

SAMPLE

[*This Notice must be published within 7 days of the Community Council meeting.*]

XYZ COMMUNITY COUNCIL

SPECIALIST VACANCY

XYZ Community Council is currently looking for a volunteer with interest in (eg forestry and the environment to lead the 'Forestry Project'. The appointment will be for the duration of the project but will be reviewed in one year.)

(DETAIL HERE MORE ON THE PROJECT)

Anyone wishing further information please contact the Secretary as detailed below no later than [date].

SAMPLE

J Brown
Secretary
XYZ Community Council
10 Main Street
Merrytown

[Telephone No]
[Email]
[Date]

XYZ COMMUNITY COUNCIL

SPECIALIST CO-OPTION

Notice is made that James White, 4 Brown Street, Merrytown was duly co-opted onto XYZ Community Council as a specialist co-optee at the XYZ Community Council Meeting held on XX XXX 20XX. Mr White will be leading the 'Forestry Project'. His appointment will be for the duration of the project but will be reviewed in a year.

Anyone wishing to comment on this co-option should do so to the Secretary as detailed below no later than [*within 28 days of Community Council meeting*].

J Brown
Secretary
XYZ Community Council
10 Main Street
Merrytown
[Telephone No]
[Email]
[Date]

[*This Notice must be published within 7 days of the Community Council meeting.*]

SECTION G

LICENSING

- G1 - Introduction
- G2 - Regulatory Panel (Civic Government (Scotland) Act 1982).
- G3 - At the Hearing
- G4 - Decision
- G5 - Licensing (Scotland) Act 2005 and Gambling Act 2005
- G6 - How to object
- G7 - At the meeting
- G8 - Decision

LICENSING

G LICENSING APPLICATIONS

G1 Introduction

- G1.1 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.
- G1.2 It is likely that the timescale available for each Community Council to consider any application will be short. Each Community Council may therefore wish to appoint a licensing contact and/or a sub-committee to have responsibility for considering and commenting on licensing matters on its behalf.
- G1.3 The sub-committee must have at least three members, and have clearly defined terms of reference and delegated powers. These details must be specified in either the Community Council's constitution, or in the minutes of one of its meetings. It is the responsibility of the sub-committee to ensure that all its decisions and actions are subsequently reported to, and approved by, the Community Council.

G2 Regulatory Panel (Civic Government (Scotland Act) 1982)

G2.1 The **Regulatory Panel** of South Ayrshire Council deals with licence applications for

- G2.1.1 Taxis and Private Hire Cars and Drivers
- G2.1.2 Booking Offices
- G2.1.3 Late Hours Catering
- G2.1.4 Public Entertainment
- G2.1.5 Street Traders
- G2.1.6 Houses in Multiple Occupancy
- G2.1.7 Tattoo and Skin Piercing
- G2.1.8 Second Hand/Metal Dealers
- G2.1.9 Market Operators`
- G2.1.10 Knife Dealers
- G2.1.11 Theatres
- G2.1.12 Cinemas.

(the above list is not exhaustive but covers the main licence applications made).

- G2.1.13 No list of competent objectors is given in the 1982 Act and no special status is given within the Act to Community Councils.

- G2.2 Schedule 1 of the Civic Government (Scotland) Act 1982 lays out the procedure which requires to be followed in relation to any objection or representation relating to an application for the grant or renewal of a licence in terms of that Act.
- G2.3 The Regulatory Panel will only consider objections or representations if they:-
- G2.3.1 are in writing;
 - G2.3.2 specify the ground of the objection;
 - G2.3.3 specify the name and address of the person making the objection or representation;
 - G2.3.4 are signed by him/her or on his/her behalf;
 - G2.3.5 are made within 28 days of either the first date when public notice of an application was given or the date on which a further public notice is required to be displayed or the date on which the application was made whichever is the latest; and
- G2.4 Late objections or representations will only be considered if the Licensing Authority is satisfied that there is sufficient reason why they were not made on time.
- G2.5 An objection or representation may be made by personal delivery or by ordinary or Special Delivery or Royal Mail Signed For post so that in the normal course of post it might be expected to be delivered on time. The Licensing Authority is required to send a copy of any relevant objection or representation to the applicant to whose application it relates.
- G2.6 In terms of Paragraph 4 of Schedule 1 to the 1982 Act the Licensing Authority may, before reaching a final decision upon an application, give the applicant and any person who was made a relevant objection or representation in relation to the application, an opportunity to be heard. If the Licensing Authority does give the objector or the applicant the opportunity to be heard the parties must be given not less than 14 days notice of the hearing. This notice will be given in writing. However, the Authority is not obliged to give applicant or objector a right to be heard in respect of an application.
- G2.7 If a relevant objection or representation is made and no hearing is to be given to the applicant he/she must be given the opportunity to give his/her views in writing on the objection or representation within a period of not less than 14 days.
- G2.8 Paragraph 5 of Schedule 1 to the 1982 Act stipulates that where an application for the grant or renewal of a licence has been made to a Licensing Authority it shall (a) grant or renew the licence unconditionally; (b) grant or renew the licence subject to conditions or (c) refuse to grant or renew the licence.
- G2.9 Conditions to which the licence may be subject must be reasonable and may include restricting the validity of the licence to an area specified in the licence and where the licence is intended to replace an existing licence, may include a condition requiring the holder of the existing licence to surrender it.

- G2.10 An authority should not refuse an application if it is of the view that its concerns could be met by granting the licence subject to appropriate conditions.
- G2.11 The Licensing Authority must refuse an application to grant or renew a licence if, in its opinion one of several grounds of refusal have been established but otherwise must grant the application. The statutory grounds for refusal are:
- G2.11.1 that the applicant (or Director or partner or other person responsible for its management) has been disqualified from holding a licence or is not a fit and proper person to be the holder of the licence;
 - G2.11.2 the activity to which the licence relates would be managed by or carried on for the benefit of the person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;
 - G2.11.3 if the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel which are not/is not suitable or convenient for the conduct of the activity having regard to; the location, character or condition or the premises or the character or condition of the vehicle or vessel; the nature and extent of the proposed activity; the kind of persons likely to be in the premises or vessel; the possibility of undue public nuisance; or public order or public safety or other good reason for refusing the application.

Notification of the authority's decision must be made within 7 days of the decision.

G3 At the Hearing

- G3.1 The Act does not prescribe in detail the conduct of the hearing at which a Licensing Authority considers an application. However, it is the usual practice in South Ayrshire for the Convener to call out the type of application being applied for together with the name of the applicant and for the applicant and/or his/her agent to come forward and identify themselves. The name of any objector will be called and the objector asked to identify him/herself. The objector is normally then asked to state the nature of the objection. This statement should be confined to speaking to the reasons for the objection as outlined in the written objection sent to the Licensing Authority. No new or additional grounds for objecting may normally be raised at this stage since, clearly, the applicant will have had no advance notice of these as the Act requires. Once the objector has spoken to his/her objection, the applicant will be given the opportunity to reply.
- G3.2 Following this the objector and applicant in turn may be given further opportunity to make representation to the hearing but this will be at the discretion of the Committee.

G4 Decision

- G4.1 The legislation only requires the Licensing Authority to intimate its decision within 7 days of it being made. However, it is the practice for the Committee to announce its decision in public on the day on which it is made. At that stage no further decision relating to the applications in question will be permitted, nor will reasons for the decisions be given. A statement of reasons for the decision may be requested and such a request should be made in writing and must be made within 28 days of the decision.

G4.2 Written objections and requests for statements of reasons should be sent to:

Licensing Services
County Buildings
Wellington Square
Ayr
KA7 1DR

G4.3 Should you require further information on the above, please write to the above address. or email licensing@south-ayrshire.gov.uk

G5 Licensing (Scotland) Act 2005 and Gambling Act 2005

G5.1 The **Licensing Board** deals with all types of licences relating to alcohol and gambling.

G5.2 In relation to the Gambling Act premises licences any interested party or responsible authority may make representations/objections

G5.3 In relation to Licensing (Scotland) Act 2005, anyone may object or make representations either for or against the application although frivolous objections may have costs awarded against them.

G6 How to Object

G6.1 In writing by the date specified on the website or notice.

G6.2 The objection must be lodged with the Licensing Section.

G6.3 The objector must send a copy of the objection by Special Delivery, Royal Mail Signed For, hand delivery or by email to Licensing@south-ayrshire.gov.uk.

G6.4 The written objection must also specify reasons in support of the identified ground for refusal. The objection must give name and address of the person making the objection and be signed by them or on their behalf.

G6.5 The Licensing Board will consider all competent objections whether or not the objector appears at the meeting.

G6.6 All objectors will be invited to attend the meeting and will receive a letter giving details of the time and place and application number.

G7 At the Meeting

G7.1 The application number will be called out.

G7.2 The applicant and/or their agent will come to the microphone at the front of the hall.

G7.3 The Clerk will read out a list of objectors and invite any of those objectors who are present and wish to address the Board to come forward and identify themselves.

G7.4 A decision has to be made by the Board as to whether the objection is competent, both in terms of service and content.

G7.5 The applicant/agent will address the Board on the merits of the application.

G7.6 The objector will then outline his/her reasons for objections. No new issues can generally be raised; the objector must cover the grounds listed in the written objection.

G7.7 The applicant will be given another opportunity to address the Board.

G7.8 Questions can be asked by the Board members to both the applicant and the objector.

G8 Decision

After considering all representations the Board will adjourn to consider these submissions. The Board will then return and announce the decision. It will also write to the applicant, police and any party appearing giving notice of its decision and they may then request a statement of reasons within 14 days of that notice

SECTION H

PLANNING

- CONSULTATION AND ENGAGEMENT ON PLANNING - The Development Process, the Planning System and the South Ayrshire Planning Forum
- H2 - Planning Applications
- H3 - Statutory Timetable
- H4 - Scheme of Delegation
- H5 - The Planning Committee
- H6 - Development Plans
- H7 - Master Plans and Design Briefs
- H8 - Supplementary Planning Guidance

PLANNING

H1 CONSULTATION AND ENGAGEMENT ON PLANNING MATTERS

H1.1 The Development Process

Planning permission is required for the erection of most buildings and for the material change of use of land and buildings. The processing of planning applications is one of the Council's most important statutory functions. Investment in South Ayrshire Council, through new building and refurbishment projects is estimated in tens of millions of pounds each year and provides associated activity in construction and service sector jobs. The planning system has a crucial part of the development process. The system considers where development should happen, where it should not and how development affects its surroundings. It aims to balance competing demands so that land is used in the public long-term interest, in a way that creates high quality, sustainable places. Decisions about planning applications are based on the 'development plan', prepared by each of the 34 local councils or national park authorities (aka the 'planning authority').

H1.2 The Planning System

Scotland has recently gone through the biggest reform to its planning system for 60 years, with a strong emphasis on involving people and the community. The Planning etc (Scotland) Act 2006 introduced significant changes to how planning applications are processed (Development Management) and to the regime of development plans, which are the primary decision-making framework for planning authorities (Development Planning). A hierarchy of planning policy exists from national to local level, setting out both overarching strategic issues and priorities and locally specific policies: National Planning Framework 2 (NPF2) is the Scottish Government's strategy for Scotland's long term spatial development. In particular, it designates 'national developments', such as key infrastructure projects.

H1.3 Development Plans – Prior to the 2006 planning reform, the Development Plan in each local authority consisted of the Local Plan and the Structure Plan. Following the reforms, the Development Plan in the four city regions will consist of Strategic Development Plans (SDP's), and Local Development Plans (LDP's) produced by each local authority. In other areas outside the city regions (including South Ayrshire), the development plan will consist solely of the Local Development Plan. In South Ayrshire, the South Ayrshire Local Plan and Ayrshire Joint Structure Plan remain as the development plan until the Local Development Plan is adopted.

H1.4 South Ayrshire Planning Forum

As part of the Council's commitment to maximise community engagement in the planning process, the Planning Forum was established in 2009 to discuss and provide feedback on Planning Service performance matters, and to inform the development of planning policy through the Local Development Plan (LDP) process, and supplementary guidance on specific policy areas. The Forum is made up of members of the community, Community Councils and representatives from the development industry. The Planning Forum has been extremely influential in forming the policies of the LDP and helping to bring about improvements to the Planning Service.

H.2 Planning Applications

H2.1 Planning applications are categorised according to their level of significance and are defined as being either 'national', 'major' or 'local'. As an example, housing proposals will be categorised as 'major', when more than 50 housing units are proposed, or where the site area exceeds 2 hectares. Below this level, the proposal would be 'local' development. Each has different requirements as to how an application will be processed. In the case of 'major' or 'national' applications, developers have a duty to consult Community Councils prior to a planning application being formally submitted to South Ayrshire Council.

H2.2 The involvement of Community Councils in the consideration of planning applications is important. Further advice and guidance is set out in the government's Planning Advice Note 47 'County Councils and Planning' which may be viewed at:

<http://www.scotland.gov.uk/Publications/1996/03/18415/28371>

This advice indicates that Community Councils should focus their attention on application proposals of potential community wide interest and not individual householder applications.

H2.3 South Ayrshire Council has, a statutory obligation to consult with Community Councils regarding planning applications where a Community Council has requested formal consultation. 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.south-ayrshire.gov.uk/planning/register.aspx>

The list contains basic information regarding the applicant, agent, site address, and a brief description of the proposed development.

H2.4 On receipt of the weekly list, Community Councils have seven days to request a formal consultation on an application. A fourteen day consultation period commences on the date the Planning Section issues a copy of the application to the Community Council. It is advisable for Community Councils to keep the Planning Section advised of the person to whom the weekly list is to be sent. Community Councils are advised to limit their attention to proposals which raise issues of genuine community interest. Householder applications will rarely involve issues of this kind.

H2.5 As Community Councils have a limited time to consider and comment on an application, it is recommended that a sub-committee be formed with fewer Community Councillors to allow for a quick response. The terms of reference and delegated powers of the sub-committee must be clearly laid down and recorded in the Community Council's Constitution or minutes of the meeting at which this was agreed. It is the responsibility of the sub-committee to ensure that all its decisions and actions are subsequently reported to and approved by the full Community Council.

H2.6 Whilst the above process is available to Community Councils, they need not request a consultation in order to consider and submit representations on a planning application. Since 2009, planning applications can be viewed on-line on the Council's web-site. It may be easier to view application plans on line:

<http://ww6.south-ayrshire.gov.uk:81/bumblebee-web/>

and also submit comments using the 'Make a Comment' tab. This avoids the need to contact the Council, as outlined above, and await the receipt of a hard copy of plans via the post. It also makes it easier for members of the Community Council to view the application plans and drawings and the Community Council to submit any observations it may wish to make. Using this process saves on time and cost. This alternative process does not undermine the status of a Community Council as a statutory consultee.

H3 Statutory Timetable – Planning Applications

The planning authority has a statutory duty to give a decision on a planning application within two months of it being registered, after which the applicant has a right to pursue a deemed refusal appeal. This period is extended to four months for applications that are classified as being 'major'. In a limited number of applications these timescales may be difficult to meet because of the complexity of the issues to be assessed. In these instances South Ayrshire Council and the applicant may agree to an extended determination time period. In some cases the Council may enter into a processing agreement with the applicant, setting out a timeline and key dates for the application process.

H4 Scheme of Delegation – Planning Applications

The Council has adopted a "scheme of delegation" through which 'local' development applications are dealt, without reference to the Council's Regulatory Panel. Where any 'local' development application has attracted more than 5 formal objections, is considered to be a significant departure from the Development Plan, the Council has an owner or financial interest in an application, or where the application is made by an elected member of the Council, that application requires to be referred to the Panel for a decision. Additionally, where a Community Council objects to an application and an appointed officer is minded to recommend approval of that application; that same application will be reported to the Panel for a decision. Applications for 'national' or 'major' development will always be determined by members of the Council.

H5 The Planning Committee – The Regulatory Panel

The Regulatory Panel meets every four weeks (other than during the summer recess) and usually considers no more than 20 items. The Panel meetings are usually held on Thursday mornings with business starting at 10 am. Panel Members' receive a copy of a report on the application, prepared by the Planning Service in advance of the meeting and also have an opportunity to view the application and representations published on the Council's web-site. Applicants and representees have an opportunity to address the Panel meeting for a maximum of five minutes. To aid this process all Panel papers are issued to all parties two weeks in advance of the meeting. Any party unable to attend can provide additional written representation for circulation one week in advance of the Committee meeting.

CONSULTATION ON DEVELOPMENT PLANS, MASTER PLANS, DEVELOPMENT BRIEFS AND SUPPLEMENTARY PLANNING GUIDANCE

H6 Development Plans

Development Plans are key documents in the planning process. They deal with promotion, facilitation and regulation of development. They contain policies designed to promote the economic, social and environmental wellbeing of an area and allocate land for different uses, based on a strategic vision for the area. The current development plan for South Ayrshire comprises of the approved Ayrshire Structure Plan and the South Ayrshire Local Plan.

H6.2 Under the Planning etc (Scotland) 2006 Act, the Development Plan for South Ayrshire will no longer include a structure plan and a local plan. Instead this will be replaced by a single 'Local Development Plan', which will be replaced every five years. Until a new Local Development Plan has been adopted, the Development Plan in South Ayrshire will remain Ayrshire Structure Plan and the South Ayrshire Local Plan. It is expected that the South Ayrshire Local Development Plan will be adopted in 2014.

H6.3 When preparing a local development plan extensive and active 'engagement' with communities is required, and community councils provide a key focus for engagement. The nature of engagement with the community councils changes at different stages in the plan's preparation. At the outset of the preparation of a plan, engagement with community councils should be open and transparent to allow communities to genuinely influence the strategic direction of the plan. Later stages focus more on ensuring communities have appropriate opportunities to make representation on the Council's proposed policies and sites.

H6.4 Under the new arrangements for development plans, the Council will publish a Development Plan Scheme which is to be prepared at the outset of commencing a Local Development Plan. The Scheme will set out how and when people can get involved and the timetable for plan preparation. The Scheme will be published widely so that the community are kept up to date with consultation arrangements and how the plan is progressing. The Development Plan Scheme is to be updated on an annual basis, to ensure it remains accurate. In addition to the publication of the Development Plan Scheme, community councils will be formally contacted by the Council at each stage of the process.

H6.5 As with the current Development Plan arrangements, any person or body can make a formal representation on the Local Development Plan, which can include objection to any part of the plan. These representations will be considered by the Scottish Government's Directorate for Planning and Environmental Appeals, which will appoint a reporter to conduct an examination of the Plan. The examination will focus on any unresolved representation to the proposed plan. It will be for the Reporter appointed to the development plan examination to determine whether an objection is to be considered through the exchange of written material or through a hearing or a public local inquiry.

H6.6 Each stage of the plan process will have different timescales for the receipt of consultation responses or additional information. Some of the timescales will be statutorily set, from which there will be no discretion for the Council to depart. Others may be more flexible. However these will be clearly set out in the Development Plan Scheme and in letters sent in respect of formal consultation or in response to a representation of objections that may have been lodged.

H7 Master Plans and Design Briefs

Master plans and Design Briefs provide a framework for the co-ordinated development of areas of land already defined for development in the Local Plan/Local Development Plan. These documents specify a range of detailed matters that should be adhered to in the development of particular sites. When produced by the Council these documents will be prepared in consultation with the Community Council within which the development site is located.

H8 Supplementary Planning Guidance

H8.1 Supplementary Planning Guidance can be prepared by the Council to provide detail to a policy that is covered in the development plan, or where there is a change that requires a more urgent policy response than can be provided through a development plan review. Supplementary guidance usually relates to matters of design, but can also set out detail on the implementation of policy.

H8.2 Supplementary guidance may be prepared and adopted alongside a local development plan, or subsequently. Guidance adopted in connection with a plan falls when that plan is replaced, but if it remains up-to-date, the Council may readopt it in connection with the replacement plan after limited reconsultation, provided a proper connection with the plan remains. Scrutiny by Scottish Ministers at the pre-adoption stage is likely to focus more on ensuring that the principles of good public involvement and a proper connection with the SDP or LDP have been achieved consistently, than on detailed policy content. The Council may issue guidance in connection with SDPs or LDPs without going through these procedures, but this should not be termed supplementary guidance and will not form part of the development plan. In any case, the Council's protocol for preparing supplementary guidance sets out that community councils will be consulted during the preparation of supplementary guidance.

SECTION I

DEALING WITH DISPUTES

- I1 - Disputes within the Community Council
- I2 - Disputes between the Community Council and Other Persons
- I3 - Disputes with South Ayrshire Council
- I4 - Council Comments and Complaints Procedure

I PROCEDURES FOR DEALING WITH DISPUTES

I1 Disputes within the Community Council

- I1.1 The Chairperson is responsible for conducting the business at meetings of the Community Council. The Chairperson will decide who will speak, in what order, and for how long. If these basic rules are not adhered to, then the business is unlikely to be conducted in an orderly and coherent manner (see Section D9).
- I1.2 In all cases of disagreement, the Chairperson must remain impartial and ensure that each party has an equal and adequate opportunity to present its case. The Chairperson should maintain his/her impartiality by not speaking during the debate, but restrict involvement to conducting the progress of the meeting and to assisting each party to summarise its argument. This summarising of the opposing arguments at the end of the debate, should hopefully clarify the issues and assist the Minutes Secretary to prepare concise minutes. Where agreement cannot be achieved by debate, then the matter should be put to a vote (see Section D11).
- I1.3 In the case where the Chairperson is involved in a dispute, then he/she should vacate the chair and hand over to the Vice-Chairperson, or other suitable member, who should conduct that item of business, failing which, the meeting should be adjourned.

I2 Disputes between the Community Council and Other Persons

- I2.1 A person may request, in writing, that a Community Council considers an issue at one of its regular meetings. The Chairperson and the Secretary, or in their absence any two other office bearers, will consider it, and either grant or refuse the request.
- I2.2 If the request is granted, then the item shall be placed on the agenda of the next meeting and the person invited to the meeting to speak to that item only. The Community Council will then consider the issue, and make any appropriate decision which then will be intimated to the person in writing by the Secretary within seven days of the meeting.
- I2.3 If the request to consider the issue is refused, then the person shall be notified of the reason(s) in writing. Details of the request and refusal shall be reported to the next meeting of the Community Council and recorded in the minutes. The person should also be advised, that should they feel aggrieved by this decision, they may refer this matter to the Head of Policy, Community Planning and Public Affairs, South Ayrshire Council, County Buildings, Wellington Square, Ayr.

I3 Disputes with South Ayrshire Council

- I3.1 Where a Community Council experiences difficulties with a South Ayrshire Council official or service, it should first attempt to resolve them through its Link Officer.
- I3.2 If the difficulties still cannot be resolved, then the Community Council should approach the line manager of the Council official concerned.
- I3.3 If agreement still cannot be achieved, then the Community Council should contact the Executive Director concerned.

I4 Council Comments and Complaints Procedure

- I4.1 South Ayrshire Council has developed a procedure for managing customer comments and complaints. This procedure complies with the Scottish Public Services Ombudsman's (SPSO) Guidance for the Model Complaints Handling Procedure as laid down by the Public Services Reform (Scotland) Act (2010).
- I4.2 South Ayrshire Council values all comments and complaints and uses information from them to help us improve its services. The Council is committed to providing high-quality customer services so if something goes wrong or you are dissatisfied with its services, please tell Customer Services. Comments can be submitted in the same way as complaints. Customer Services will acknowledge all comments and feedback received.
- I4.3 Anyone can make a complaint, including the representative of someone who is dissatisfied with a service. Customers can make a complaint in any of the following ways:
- 14.3.1 In writing to: Customer Services, South Ayrshire Council, Freepost NAT 7733, Ayr, KA7 1DR
 - 14.3.2 In person at one of the Customer Service Centres, or any local office.
 - 14.3.3 Phone the Customer Services Team on 0300 123 0900
 - 14.3.4 E-mail: listeningtoyou@south-ayrshire.gov.uk
 - 14.3.5 By completing an online form accessed at: www.south-ayrshire.gov.uk/listeningtoyou

SECTION J

LEGAL LIABILITY OF COMMUNITY COUNCILLORS

- J1 - Legal Status
- J2 - Public Liability Insurance
- J3 - Objectives of the Community Council and Related Funding
- J4 - Potential Development of Activities and Liability
- J5 - Working as a Group
- J6 - Liaison with Public Bodies and Voluntary Organisations.

J LEGAL LIABILITY OF COMMUNITY COUNCILLORS

J1 Legal Status

- J1.1 Community Councils are created by statute, Part IV of the Local Government (Scotland) Act 1973, but their legal status is not defined anywhere in the legislation. The description "statutory" in itself does not create any rights. Legal status is important because that is what creates the uniqueness of an organisation and makes it a separate legal entity from the members of the organisation.
- J1.2 The particular importance of the legal status of an organisation can be seen in relation to (i) whether it is the organisation itself which can sue or be sued in its own name without these rights and liabilities affecting the members of the organisation or (ii) whether the members of the organisation themselves have to sue on behalf of and, more importantly, can themselves be sued personally on behalf of the organisation.
- J1.3 In the first case only the organisation's own assets become liable, in the second case the member's own personal assets become liable. A limited company is an example of the first case and the shareholders' liability is limited to their shareholding. A voluntary association, ie a club or society, is an example of the second where either the office bearers or all club members can be liable personally.
- J1.4 Because the legislation does not give Community Councils some form of protected corporate status like a limited company or a local authority, the Community Council falls firmly into the second category. **The Community Council is the collection of the individual elected Community Councillors and any liability incurred by the Community Council can fall personally, collectively or individually on the Community Councillors.**

J2 Public Liability Insurance

- J2.1 **Community Councils are responsible for any loss, injury or damage to property or persons arising from its activities or from any equipment or services it provides.**
- J2.2 South Ayrshire Council has therefore agreed to pay the annual premium for public liability insurance with respect to Community Councils.
- J2.3 This type of cover provides indemnity in respect of incidents arising for activities such as fetes, gala days, firework displays (as long as the Insurance Company is advised and is satisfied with the safety arrangements and any other conditions that it may impose).
- J2.4 Where Community Councils own property or equipment it is advisable that Community Councils have their own appropriate insurance cover.
- J2.5 Details on how to obtain insurance cover and the policy can be obtained from the Risk & Insurance Team, Newton House, 30 Green Street Lane, Ayr KA8 8BH, telephone: 01292 613081, email: insurance@south-ayrshire.gov.uk.

J3 Objectives of the Community Council and Related Funding

The statutory foundation for Community Councils broadly is to enable them to express to the local authority local views on matters within the functions of the local authority, and other public bodies (for example the Health Board) and to take action in the interests of that community as may appear necessary. South Ayrshire Council funds Community Councils on the basis that they will represent such views to South Ayrshire Council and consequently feed back to the local area matters arising within South Ayrshire Council. Any other action which the Community Council might wish to take is regarded as being incidental to this principal purpose of communication flow. The current funding arrangements whereby South Ayrshire Council provides an administration grant to cover a Community Council's costs of photocopying, postage, room hire etc is intended to cover any reasonable liability which a Community Council might meet in carrying out its statutory duties. Consequently given the purposes of Community Councils and the funding provided by South Ayrshire Council this should not lead Community Councillors into circumstances where they accept other responsibilities which would lead them into potential financial liability in excess of the grant provided by South Ayrshire Council.

J4 Potential Development of Activities and Liability

J4.1 At a future date it is possible that Community Councils might wish to develop projects further. On a more general basis they might wish to undertake projects or carry out development work or become employers of staff. In such cases the Community Council could then be moving beyond the financial framework guaranteed by South Ayrshire Council and perhaps moving also outwith the statutory powers of Community Councils and may put the Community Councillors themselves in areas of personal liability. If developments of this nature are to be contemplated then, before proceeding, the Community Councillors should discuss with South Ayrshire Council what changes, if any, should be made to the legal status of the Community Council or what additional organisation should be formed by the Community Council to undertake the project or to employ the staff and so give the Community Councillors protection from personal liability.

J4.2 This is a very important matter. The statutory objectives of Community Councils are set out in the Local Government (Scotland) Act 1973, Section 51(2) 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".

J4.3 This objective is not only permissive, that is, it states what Community Councils can do, it is also restrictive because it limits what Community Councils can do in terms of the objective. Strictly speaking if Community Councils wish to develop in ways which involve them in acting outwith their statutory remit, then they would not be acting under the purpose of being a Community Council. It is likely that they may then be acting as an unincorporated voluntary association. As the personal liability of a Community Councillor is almost identical whether the activity falls within or just outside the statutory objective, the difference has more to do with whether a Community Council could continue to call itself a Community Council, and should be recognised as a Community Council, if it strayed into activities outwith the statutory objectives.

- J4.4 The 1973 Act does not make it clear. What then are the statutory objectives? The objective may seem clear enough initially but the opening words "In addition to any other purpose which a Community Council may pursue" and the closing words "and to take such action in the interests of that community as appears to it to be expedient and practical" open up the possibility of wide ranging action than might at first appear. The section in the middle probably gives the greatest guidance with the phrases at the beginning and the end having to be taken in this spirit and having to be seen as in some way only extending the main purpose at the centre of the objective. However the powers are not entirely clear and the legislation elsewhere is not definitive.
- J4.5 The central core of the objectives, that is representing views, is clear enough. However in relation to the phrases which may seem to extend this central purpose, if Community Councils were to embark on projects or activities which could not be seen to have their foundation in the central purpose of representing views they could be acting outwith their original purpose. If the Community Council were to go outwith the objectives it would be acting outwith its powers and the individual Community Councillors would be personally liable for that activity. Whether Community Councillors find themselves having incurred personal financial liability will arise from the nature of the activity which the Community Council embarks on and the prudence with which the activity is approached, regardless of whether the Community Council operates within its objective or goes beyond them. However in respect of adhering to the statutory objectives, in matters of real difficulty, controversy or where a significant change of purpose is proposed, the Community Council should take the advice of the Head of Policy, Community Planning and Public Affairs, South Ayrshire Council, **before embarking on the activity** to clarify the legal position.
- J4.6 The margins within which Community Councils can operate with financial safety and without the potential for incurring personal financial liability for the Community Councillors are narrow. Any arrangements which a Community Council enters into for provision of accommodation and/or administrative services and/or publication of newsletters or whatever, should be met from within the grant which they know is available from South Ayrshire Council. Making financial commitments in excess of the available grant will place the Community Councillors in potential liability. If Community Councils wish to develop in other ways they must be absolutely certain that guaranteed funding is in place to meet all their expenditure.
- J4.7 If Community Councils wish to move into areas of development where guaranteed funding cannot be quite so certain then they must discuss with South Ayrshire Council the creation of some other mechanism, eg the formation of a private limited company. This would not remove liability but would restrict it to the assets of the company and would remove it from the individual members ie the Community Councillors. If Community Councils feel that a course of action (with or without financial uncertainty) may move them outwith the statutory objectives they should discuss this with the Head of Policy, Community Planning and Public Affairs, South Ayrshire Council to clarify any consequences of the proposed activity **before any legal commitment is made.**

J5 Working as a Group

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.

J6 Liaison with Public Bodies and Voluntary Organisations

In the main Community Councils relate directly to the Local Authority for its area, ie South Ayrshire Council. However it is important to emphasise that the statutory purpose goes much wider and enables Community Councils to represent local views to public bodies in relation to matters for which those authorities are responsible.

It is therefore important for Community Councils to recognise this wider ability and to include in the matters which they discuss and seek to improve those issues which fall within the scope of other public bodies for example Health Boards, Tourist Boards, Water Authority, etc, and to contact those bodies direct to pursue the Community Councils' legitimate interests.

Details of those public bodies and other voluntary organisations in South Ayrshire are undernoted, but this list is not intended to be exhaustive:-

Public Bodies and Voluntary Organisations	Contact No.
Ayrshire and Arran Health Board www.nhsaaa.net	0800 169 1441
Ayrshire and Arran Tourist Board www.ayrshire-arran.com	0845 22 55 121
Ayrshire Valuation Joint Board www.ayrshire-vjb.gov.uk	01292 612221
Clydeport www.clydeport.co.uk	0141 221 8733
Data Protection Commissioner (Scottish Office) www.dataprotectionregister.org.uk	0131 225 6341
Equality and Human Rights Commission www.equalityhumanrights.com	0808 800 0082
European Parliament (Edinburgh Office) www.europarl.org.uk/edinburgh	0131 557 7866
Glasgow Prestwick Airport www.glasgowprestwick.com	0871 223 0700
Historic Scotland www.historic-scotland.gov.uk	0131 668 8600
Scottish Police Authority Board enquiries@spa.pnn.police.uk	0141 585 8300
Scottish Fire and Rescue Service Board www.firescotland.gov.uk	01738 475200
Scotland Office (UK Government) www.gov.uk/government/organisations/scotland-office	0131 244 9010
Scottish Environmental Protection Agency (Ayr Office) www.sepa.org.uk	01292 294000
Scottish Government www.scotland.gov.uk	08457 741 741
Scottish Water www.scottishwater.co.uk	0845 601 8855
South Ayrshire Council www.south-ayrshire.gov.uk	0300 123 0900

SECTION K

DRAFT CONSTITUTION AND CODE OF CONDUCT

DRAFT CONSTITUTION

- 1 - Name
- 2 - Area
- 3 - Objects
- 4 - Membership
- 5 - Equality and Diversity
- 6 - Elections
- 7 - Co-option and nomination to the Community Council
- 8 - Voting rights of members of the Council
- 9 - Election of Office-Bearers
- 10 - Appointment of Planning Contact and Licensing Contact
- 11 - Sub Committees
- 12 - Meetings of the Community Council
- 13 - Public participation in the work of the Community Council
- 14 - Exchange of information with South Ayrshire Council
- 15 - Control of Finance
- 16 - Data Protection
- 17 - Alterations to the Constitution
- 18 - Dissolution
- 19 - Adoption and Ratification of the Constitution

SOUTH AYRSHIRE COUNCIL
SCHEME FOR COMMUNITY COUNCILS

MODEL CONSTITUTION FOR COMMUNITY COUNCILS

1. Name

The name of the Community Council shall be the *[insert name]* Community Council (hereinafter referred to as "the Community Council").

2. Area

The boundaries of the Community Council shall be as described in Appendix A of the Scheme for Community Councils (hereinafter referred to as "the Revised Scheme") as adopted by South Ayrshire Council on .

3. Objects

In addition to any other purpose which it shall pursue, the objects of the Community Council shall be:

- 3.1 to ascertain, co-ordinate and express to the local authority for the area, and to other public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible;
- 3.2 to take such action in the interests of the community as appears to it to be expedient and practicable;
- 3.3 to liaise with other community and voluntary organisations within the area, to express fairly the diversity of opinions and outlooks of the people in accordance with the Equality Duty in the Equality Act 2010.

4. Membership

4.1 The Community Council will have a membership as defined in the Scheme and shall consist of *[insert number]* elected Members with, in addition, *ex officio* Members and such Members as may be co-opted in terms of the Scheme.

4.2 Membership shall be open to all registered electors for Local Government Elections in the area of the Community Council as defined by the Scheme and the Community Council must comply with the Equality Duty to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;

- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it.

5. Equality and Diversity

5.1 The Community Council will comply with the requirements of the Human Rights Act 1998 and the Equality Act 2010. The Equality Act 2010 protects people from discrimination, harassment and victimisation on the basis of 'protected characteristics'.

The protected characteristics are:

- 5.1.1 Age
- 5.1.2 Disability
- 5.1.3 Gender reassignment
- 5.1.4 Marriage and civil partnership
- 5.1.5 Pregnancy and maternity
- 5.1.6 Race
- 5.1.7 Religion and belief (including non-belief)
- 5.1.8 Sex
- 5.1.9 Sexual orientation

5.2 The Community Council will act and represent people from all protected characteristics within its communities with dignity and respect, and in a fair and equal manner.

5.3 The Community Council will not discriminate against, harass or victimise an existing or potential member or a Co-optee.

5.4 The Community Council will not refuse membership, or grant membership on less favourable terms (such as by applying different conditions) because the person has a protected characteristic as shown above.

5.5 The Community Council shall also support South Ayrshire Council in meeting its other general equality duties of advancing equality of opportunity and fostering good relations by:

- 5.5.1 highlighting the needs of particular groups that are different from the needs of others in the community and
- 5.5.2 encouraging participation in public life.

6. Elections

6.1 Method of Election – Elections shall be by the method of election defined in Section B of the Scheme. The Returning Officer for all Community Council elections shall be the Service Planning and Election Manager of South Ayrshire Council.

6.2 Qualifications of Candidates and Electors – Candidates and Electors in all Community Council elections shall fulfil the requirements specified in Section B of the Scheme.

7. Co-option and Nomination to the Community Council

- 7.1 There will be two different categories of Co-optee –
- 7.1.1 those filling a casual vacancy till the next ordinary election or by-election will be **temporary co-optee**, and,
 - 7.1.2 those co-opted for their specific expertise, for a specific length of time, will be a **specialist** co-optee.
- 7.2 There will be different methods of recruitment and qualification which apply to each type of co-optee:
- 7.2.1 **Temporary** co-optees must be resident within the boundary of the Community Council, or Sub Area, and must be recruited by advertisement in specified locations, as detailed in Section F of the Scheme, and serve only up to the next election or by-election. In any event they may not serve as a temporary co-optee for longer than eleven months.
 - 7.2.2 **Specialist** co-optees do not necessarily have to be resident in the area, but must be recruited for a specific project for a specified length of time. The Community Council will publicise the recruitment of specialist co-options to residents within its area, stating the reasons and duration of the co-option as detailed in Section F of the Scheme.

8. Voting Rights of Members of the Council

The right to vote at any meeting of the Community Council or any Sub-Committee shall be held by the Members of the Community Council, notwithstanding those who have made a Declaration of Interest, *ex officio* members and temporary Co-optees.

9. Election of Office-Bearers

- 9.1 At the first meeting of the Community Council after Elections in the year when Elections are held and at the Annual General Meeting in the year when Elections are not held, the Community Council shall appoint a Chair, Vice-Chair, Secretary and Treasurer.
- 9.2 All office-bearers shall be elected for one year, but shall be eligible for re-election, without limit of time.
- 9.3 Members of the Community Council appointed as Secretary and Treasurer, or as Secretary or as Treasurer individually, shall not be entitled to remuneration, but the Community Council may, within the Scheme, award honorariums to such Members.

10. Appointment of Planning Contact and Licensing Contact

At the first meeting of the Community Council after Elections in the year when Elections are held and at the Annual General Meeting in the year when Elections are not held, the Community Council may appoint a Planning Contact and a Licensing Contact.

11. Sub-Committees

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

12. Meetings of the Community Council

12.1 In the month of May each year the Community Council shall convene an Annual General Meeting which may be attended by residents of the area for the purpose of receiving and considering the annual report of the Community Council and the annual audited Statement of Accounts.

12.2 The Community Council shall meet throughout the year a minimum of six times at intervals not exceeding three months for Ordinary Meetings.

12.3 Dates of regular meetings of the Community Council shall be fixed at the first meeting of the Council following ordinary elections.

12.4 The Community Council may from time to time convene Special General Meetings for the purpose of considering matters of interest or importance. These may, at the Community Council's discretion, take the form of Public Meetings. No more than four such meetings may be held between Annual General Meetings.

12.5 Copies of all Minutes of Meetings of the Community Council and of its Sub-Committees shall be approved at the next following meeting of the Community Council and shall be available for inspection by members of the public at a suitable place or places within fourteen days of the meeting of the Community Council at which such Minutes are approved. Minutes should also be made available in alternative formats upon request including draft minutes and the note of action points. Minutes of all meetings shall be sent to South Ayrshire Council following approval.

12.6 Notwithstanding the above, draft minutes or a note of action points of meetings should be prepared and circulated to Community Councillors and those attending the meeting seven days at least before the next meeting to ensure that any immediate action points are addressed.

13. Public Participation in the Work of the Community Council

13.1 The Community Council may invite a member of the public or the representative of an organisation to address any meeting of the Community Council or its Sub-Committees.

13.2 All meetings of the Community Council and of its Sub-Committees shall be open to members of the public except that the Community Council or Sub-Committee, as appropriate, may by resolution agree to consider in private any items of business of a confidential nature, as defined in the Local Government (Access to Information) Act 1985. Proper provision is to be made for the accommodation of members of the public.

13.3 Notices calling meetings of the Community Council and of its Sub-Committees shall be posted prominently within the Community Council area for a minimum period of seven days before the date of any such meeting, and by other suitable means.

14. Exchange of Information with South Ayrshire Council

14.1 South Ayrshire Council shall nominate an Officer or Officers to act as the principal point(s) of contact for matters relating to the Community Council.

14.2 South Ayrshire Council and the Community Council shall establish mutually satisfactory arrangements regarding exchange of ideas and information through the development of a Code of Conduct, which shall include:-

14.2.1 provision for the supply of information by South Ayrshire Council to the Community Council on proposals and decisions which may affect the area concerned in order that the views of the community may be ascertained, and

14.2.2 clarification on the roles and responsibilities, on matters concerning Community Council business, of South Ayrshire Elected Members, South Ayrshire Council Officers and Community Councillors as elected in terms of Section B of the Scheme.

14.3 Exchange of Minutes and Reports

14.3.1 South Ayrshire Council shall inform the Community Council that a copy of the Minutes of meetings of South Ayrshire Council and its Committees together with, where appropriate, copies of the agendas for such meetings and reports considered at such meetings may be obtained from its website.

14.3.2 The Community Council shall forward copies of Minutes of Meetings and Sub-Committees, together with, where appropriate, copies of reports considered by them, to South Ayrshire Council once they have been formally approved.

14.3.3 South Ayrshire Council shall inform the Community Council where its Annual Report may be obtained.

14.3.4 The Community Council shall prepare an Annual Report for presentation to its Annual General Meetings, and thereafter for submission to South Ayrshire Council.

15. Control of Finance

15.1 All monies raised by or on behalf of the Community Council or provided by South Ayrshire Council and other sources shall be applied to further the objects of the Community Council and for no other purpose. The monies provided by South Ayrshire Council in the Administration Grant shall be used only for administrative and other purposes as indicated in Section E of the Scheme. Monies raised by the Community Council from other sources may be used in accordance with the terms of the provision, or, in the absence of such terms, for the furtherance of the objects of the Community Council.

15.2 The Treasurer shall keep proper accounts of the finances of the Community Council.

15.3 The financial year of the Community Council shall be from 1 April to 31 March of the succeeding year. The accounts shall be submitted to South Ayrshire Council at the end of each financial year and shall be audited or independently by a professional auditor approved by South Ayrshire Council.

15.4 An audited Statement of Accounts for the last financial year shall be submitted to an Annual General Meeting of the Community Council and shall be available for inspection at a convenient location.

16 Data Protection

The Community Council will comply with the provisions of the Data Protection Act 1998.

17. Alterations to the Constitution

Any proposal to alter this 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 and the terms of the proposed resolution to alter the Constitution shall be stated on the notice calling the meeting which shall be issued not less than fourteen days prior to the meeting. Should an individual require assistance in providing a written proposal, the Community Council is obliged to provide support to the individual to accomplish this. All proposed or actual alterations will require to conform to the Scheme. If the resolution is supported by two-thirds of the elected membership of the Community Council and is approved, in writing, by South Ayrshire Council or its appointed officer, the alteration shall be deemed to have been duly authorised from the date of the letter or such other date as may be agreed.

18. Dissolution

The Community Council will be dissolved if it has

18.1 failed to hold any meetings, or such meetings have been inquorate, for a period of six months, or longer or

18.2 failed to submit to South Ayrshire Council, in terms of the Scheme, minutes of its meetings for a period of at least twelve months

18.3 insufficient number of Members in terms of the Scheme.

The Council will co-operate with South Ayrshire Council in terms of Section E3 of the Scheme.

19. Adoption and Ratification of the Constitution

This Constitution was adopted by [*insert name*] Community Council on [*insert date*].

Signed: Chairperson

Member

Member

Date

and was ratified on behalf of South Ayrshire Council on

Signed:

Date:



COMMUNITY COUNCILLORS

CODE OF CONDUCT

- 1 - The law and standing orders
- 2 - Public Duty and Private Interest
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2004
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1. THE LAW AND STANDING ORDERS

Community Councillors hold office by virtue of the law, and must at all times act within the law. You should make sure that you are familiar with the rules of personal conduct which the law and your Community Council's Constitution require, and the guidance contained in this Code. It is your responsibility to make sure that what you do complies with these requirements and this guidance. You should regularly review your personal circumstances with this in mind, particularly when your circumstances change. You should not at any time advocate or encourage anything to the contrary. If you are in any doubt, seek advice from the Head of Policy, Community Planning and Public Affairs of South Ayrshire Council or another of the Council's senior officers or from your own legal adviser. Ultimately, however, the decision and the responsibility are yours.

2. PUBLIC DUTY AND PRIVATE INTEREST

- 2.1 Your over-riding duty as a Community Councillor is to the whole local community served by the Community Council of which you are a member, including those who did not vote for you.
- 2.2 If you have a private or personal interest in a question which Community Councillors have to decide, you should never take any part in the decision, except in the special circumstances described below. Where such circumstances do permit you to participate, you should never let your interest influence the decision.
- 2.3 You should never do anything as a Community Councillor which you could not justify to the public. Your conduct, and what the public believes about your conduct, will affect the reputation of your Community Council.
- 2.4 It is not enough to avoid actual impropriety. You should at all times avoid any occasion for suspicion and any appearance of improper conduct.
- 2.5 You should be clear at all times on your role when attending Community Council meetings. You can employ your skills and experience for the benefit of the Community Council but you should not act in your professional or interest role (e.g. as architect, journalist, licensee) as well as act in the role of Community Councillor.

3. DISCLOSURE OF PECUNIARY AND OTHER INTERESTS

- 3.1 Whilst the law does not make specific provision requiring you, as a Community Councillor, to disclose both direct and indirect pecuniary interests (including those of a partner with whom you are living) which you may have in any matter coming before the Community Council, a Committee or a Sub-Committee, nor prohibit you from speaking or voting on that matter, you should behave as if the law applying to South Ayrshire Councillors applies to you. These requirements must be scrupulously observed at all times.
- 3.2 Interests which are not pecuniary can be just as important. You should not allow the impression to be created that you are, or may be, using your position to promote a private or personal interest, rather than forwarding the general public interest. Private and personal interests include those of your family, friends and employer, as well as those arising through membership of, or association with, clubs, societies, and other organisations such as the Freemasons, trade unions, political parties, religious groups and voluntary bodies.

- 3.3 If you have a private or personal non-pecuniary interest in a matter arising at a Community Council meeting, you should always disclose it, unless it is one which you share with other members of the public generally as a ratepayer or a council tax payer or an inhabitant of the area.
- 3.4 Where you have declared such a private or personal interest, you should decide whether it is clear and substantial (see 3.5 below). If it is not, then you may continue to take part in the discussion of the matter and may vote on it. If, however, it is a clear and substantial interest, then (except in the special circumstances described in 3.6 below) you should never take any further part in the proceedings, and should always withdraw from the meeting whilst the matter is being considered.
- 3.5 In deciding whether such an interest is clear and substantial, you should ask yourself whether members of the public, knowing the facts of the situation, would reasonably think that you might be influenced by it. If you think so, you should regard the interest as clear and substantial.
- 3.6 In the following circumstances, but only in these circumstances, it can still be appropriate to speak, and in some cases to vote, in spite of the fact that you have declared such a clear and substantial private or personal interest:
- 3.6.1 if your interest arises in your capacity as a member of a public body, you may speak and vote on matters concerning that body. For this purpose, a public body is one where, under the law governing declarations of pecuniary interests, membership of the body would not constitute an indirect pecuniary interest;
- 3.6.2 if your interest arises from being appointed by your Community Council as its representative on the managing committee, or other governing body, of a charity, voluntary body or other organisation formed for a public purpose (and not for the personal benefit of the members), you may speak and vote on matters concerning that organisation;
- 3.6.3 if your interest arises from being a member of the managing committee, or other governing body of such an organisation, but you were not appointed by your Community Council as its representative, then you may speak on matters in which that organisation has an interest; you should not vote on any matter directly affecting the finances or property of that organisation, but you may vote on other matters in which the organisation has an interest;
- 3.6.4 if your interest arises from being an ordinary member or supporter of such an organisation (and you are not a member of its managing committee or other governing body), then you may speak and vote on any matter in which the organisation has an interest.

4. DISPENSATIONS

- 4.1 Circumstances may arise where the work of your Community Council is affected because some Community Councillors have personal interests (pecuniary or non-pecuniary) in some question.

- 4.2 In the case of non-pecuniary interests, there may be exceptions to the guidance contained in paragraphs 3.2 to 3.6 of this Code. In the circumstances below it may be open to you to decide that the work of the Community Council requires you to continue to take part in a meeting which is discussing a matter in which you have a clear and substantial private or personal interest.
- 4.3 Before doing so, you should:
- 4.3.1 take advice from the chairperson of your Community Council (if this is practicable) or from the appropriate senior officers of South Ayrshire Council as to whether the situation justifies such a step;
 - 4.3.2 consider whether the public would regard your interest as so closely connected with the matter in question that you could not be expected to put your interest out of your mind (for example, the matter might concern a decision by the Community Council affecting a close relative); if you think that they would, you should never decide to take part in a discussion of, or a vote on, the matter in question; and
 - 4.3.3 consider any guidance which your Community Council has issued on this matter.
- 4.4 The circumstances in which (after such consultation and consideration) you may decide to speak and vote on a matter in which you have a clear and substantial private or personal non-pecuniary interest are if, but only if, at least half the Community Council would otherwise be required to withdraw from consideration of the business because they have a personal interest.
- 4.5 If you decide that you should speak or vote, notwithstanding a clear and substantial personal or private non-pecuniary interest, you should say at the meeting, before the matter is considered, that you have taken such a decision, and why.
- 4.6 The guidance set out in paragraphs 4.2 to 4.5 above also applies to Committees and Sub-Committees.

5. DISCLOSURE IN OTHER DEALINGS

- 5.1 You should always apply the principles about the disclosure of interests to your dealings with Community Council matters to your unofficial relations with other Community Councillors at, for example, informal occasions, no less scrupulously than at formal meetings of the Community Council, Committees and Sub-Committees.
- 5.2 You, or some firm or body with which you are personally connected, may have professional business or personal interests within the area for which the Community Council is responsible. Such interests may be substantial and closely related to work of the Community Council or of one or more of the Community Council's Committees or Sub-Committees. For example, the firm or body may be concerned with planning, developing land, council housing, personnel matters or the letting of contracts for supplies, services or works. You should not seek, or accept, membership of the Community Council or any such Committee or Sub-Committee if that would involve you in disclosing an interest so often that you could be of little value to the Council, Committee or Sub-Committee, or if it would be likely to weaken public confidence in the duty of the Community Council, Committee or Sub-Committee to work solely in the general public interest.

6. CHAIR

- 6.1 You should not seek or accept the Chair of the Community Council if you or any body with which you are associated, has a substantial financial interest in, or is closely related to, the business or affairs of the Council. Likewise you should not accept the Chair of a Committee or Sub-Committee if you have a similar interest in the business of the Committee or Sub-Committee.

7. USE OF CONFIDENTIAL AND PRIVATE INFORMATION

- 7.1 As a Community Councillor or a Committee or Sub-Committee member, you may acquire much information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. You should never disclose or use confidential information for the personal advantage of yourself or of anyone known to you, or to the disadvantage or the discredit of the Community Council or any else.

8. GIFTS AND HOSPITALITY

- 8.1 You should treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. The person or organisation make the offer may be doing, or seeking to do, business with the Community Council, or may be applying to the Community Council for some kind of decision or recommendation.
- 8.2 There are no hard or fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be a proper way of doing business, provided that they are approved by the Community Council beforehand and that no extravagance is involved. Likewise, it may be reasonable for a member to represent the Community Council at a social function or event organised by outside persons or bodies.
- 8.3 You are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in Community Councils. The offer or receipt of gifts or invitations should always be reported to the Secretary of the Community Council.

9. EXPENSES AND ALLOWANCES

- 9.1 There may be rules enabling you to claim expenses and allowances in connection with your duties as a Community Councillor or a Committee or Sub-Committee member, and these rules must be scrupulously observed.

10. DEALINGS WITH THE COMMUNITY COUNCIL

- 10.1 You may have dealings with the Community Council on a personal level (for example as an applicant for planning permission). You should never seek or accept preferential treatment in those dealings because of your position as a Community Councillor or a Committee or Sub-Committee member. You should also avoid placing yourself in a position that could lead the public to think that you are receiving preferential treatment. Likewise, you should never use your position as a Community Councillor or a Committee or Sub-Committee member to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.

11. USE OF COMMUNITY COUNCIL FACILITIES

You should always make sure that any facilities (such as transport, stationery, or secretarial services) provided by the Community Council for use in your duties as a Community Councillor or a Committee or Sub-Committee member are used strictly for those duties and for no other purpose.

12. APPOINTMENTS TO OTHER BODIES

You may be appointed or nominated by your Community Council as a member of another body or organisation – for instance, to voluntary organisation. You should always observe this Code in carrying out your duties on that body in the same way you would with the Community Council.

13. AUTHORITY OF CODE

This code has been issued by South Ayrshire Council to describe the standard of behaviour expected from individual Community Councillors. It is expected that all Community Council Members will adhere to its terms. If a Member of a Community Council does not or cannot adhere to the terms of the Code, it would be expected that the Member would leave the Council. If the Member refuses to leave then the Community Council may cease to be recognised by South Ayrshire Council.

14. EXPULSIONS

Each duly elected Member of a Community Council, shall agree in writing to abide by the Constitution of his/her Community Council. Each Community Council will lay down a Code of Conduct and procedure within their Constitution. Any Member of a Community Council who repeatedly flouts or ignores the rules as laid down in the Code of Conduct, will be subject to disciplinary action by their Community Council. If the conduct of a Community Councillor is deemed to amount to “gross misconduct”, in terms of the Code of Conduct, then he or she may be duly expelled by their Community Council. Where a dispute arises between an individual Member and his/her Community Council over the interpretation of the Constitution of that Community Council, then the Head of Policy, Community Planning and Public Affairs, South Ayrshire Council, or his/her representative may be invited by the individual member, or the Community Council to act as arbiter, in which event the decision by the Head of Policy, Community Planning and Public Affairs shall be final and binding.