

# SECTION C

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## **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](http://www.ico.gov.uk). AdviCe can also be obtained from his Scottish Office in Edinburgh at [Scotland@ico.gsi.gov.uk](mailto:Scotland@ico.gsi.gov.uk) or 0131 225 6341.