



South Ayrshire Council

Good Practice Guidance for Community Councils 2026

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

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This Guidance explains how the Scheme works in practice. The Scheme sets out what must happen; this Guidance explains how Community Councils can apply it sensibly, proportionately and consistently in day-to-day situations. Nothing in this Guidance replaces the Scheme or creates new statutory requirements.

This Guidance is intended to complement South Ayrshire Councils' Scheme for Establishment of Community Councils (2026).

The aim of this Guidance is to provide additional background information that Community Councillors may need to operate effectively within their Community Council.

This document is a "living document" and its purpose is to support the Scheme of Establishment of Community Councils which has also been updated in 2026, along with the Constitution, Standing Orders and Code of Conduct.

This will enable both Community Councils and local authorities to work together to ensure that Community Councils have the capacity and capability to engage effectively in an open, transparent, and inclusive manner. Working alongside other community organisations, this will enable them to represent their community and help inform strategic decisions from a grassroots level.

The aim is that this Guidance, and the Scheme for Establishment and associated documents, will be updated as and when there are changes to legislation or to circumstances which require a response. This will be assessed regularly, but in the meantime, Community Councillors and Community Council Link Officers (CCLOs) can submit any suggested changes and additions they think should be made to these documents by using this email address:

scottishccsuggestionbox@improvementservice.org.uk

This document will be of particular use for new Community Councillors as part of the induction process as it provides a comprehensive introduction to Community Councils and their workings.

Training resources are also available through the [Scottish Community Councils partnership with the Open University](#), which gives Community Councillors access to free courses on digital skills, business skills, finance and fundraising and community and society. There is also a social media guide, #FollowMe, which was published in 2022.

You can also access information on a range of [cost of living resources](#) from national advice organisations as well as finding out what help is available from local councils.

1. **INTRODUCTION TO COMMUNITY COUNCILS**

A Community Council can act as a campaigning body in raising awareness of specific local issues. They can be particularly useful in co-ordinating smaller, local organisations to ensure that resources are being used efficiently and effectively.

The local authority, in return, has a duty to consult Community Councils on how local services are delivered and other issues affecting their neighbourhoods. Community Councils have the right to be consulted on planning applications in their areas and are also kept informed about licensing applications.

The Community Empowerment (Scotland) Act 2015 also provides new statutory rights for Community Councils along with other community organisations. This includes Part 3 Participation Requests and Part 8 Common Good. The Planning (Scotland) Act 2019 has also strengthened Community Council's engagement with the planning system.

Examples of Community Council Activities

Activities can include:

- writing letters following a meeting of the Community Council to highlight an issue;
- attending meetings with public officials;
- holding a public meeting either at regular intervals or in response to a specific issue, or to find out what are the areas of concern within the community;
- carrying out surveys in the area, typically by using questionnaires;
- meeting with other Community Councils or other community groups;
- writing in response to a draft policy report or consultation document;
- receiving and responding to enquiries and problems raised by members of the public;
- sending representatives to attend a meeting of a council area committee, advisory group, or regeneration partnership;
- producing a newsletter and distributing it to all homes in the area, or electronically via social media or the Community Council's own website;
- arranging for public officials or others to attend future meetings of the Community Council;
- negotiating codes of practice with local authorities;
- arranging community events such as gala days, fetes, or clean up days.

2. ROLE OF COMMUNITY COUNCILLOR

- 2.1 The role of the Community Councillor is to represent the views of the community. This means not offering personal views and opinions on local issues or taking decisions that are based on self-interest. The role involves discussing issues with people in the community to clarify their views and assess the strength of their feelings on different topics. When representing members of the community on a particular interest, a Community Councillor must check out the facts of the situation before taking matters to the Community Council. There are two sides to every story, so make sure that both sides are put forward. There is little point in taking up time at meetings to discuss problems that are based simply on misunderstandings or misrepresentations of the facts.
- 2.2 At some point, it may be that you will find some conflict between your own personal views and interests and those of the community that you are representing. If such a situation does arise, try to make sure that the views of the community take precedence. Experience shows that if the views of individuals on the Community Council are allowed to take priority, then the community will very quickly lose confidence in the Community Council, and its work may subsequently be devalued. In assessing behaviour, both intent and impact are considered. Disagreement is acceptable; harassment, bullying, or discriminatory behaviour is not. Community Councillors are expected to always act respectfully.
- 2.3 In some instances, it may be necessary and appropriate to declare an interest in the matter under discussion and to withdraw from that debate and decision-making.
- 2.4 The task of any Community Council is to identify the needs and aspirations of the community and to take decisions that will lead to appropriate action in that community. At some point this might involve setting priorities on the competing or conflicting needs of different sections of the community.
- 2.5 Competition and conflict are normal in any community, so you shouldn't think of them as something that can be altogether avoided. What is important is that you approach competition or conflict in a fair and reasonable manner. This means taking a balanced view of your community's needs and aspirations and giving a fair hearing to representatives from different interest groups in your community. You should try to avoid being influenced by prejudice or bias, whether in the sphere of race, religion, gender or any other of the "labels" which get attached to people and to local issues.
- 2.6 **Role of Office Bearers**
- Each Community Council must have a Chair, a Treasurer, and a Secretary – the office bearers – and these roles carry the most responsibility. The office bearers, as elected members representing their local communities, are responsible for the efficient and effective operation of the Community Council working within the local authority's Scheme for Establishment of Community Councils. All members of the Community Council are equally responsible for the Community Council's decisions and actions and may take on additional activities in support of the Community Council. The office bearers' roles are described below:

2.7 **The Chair**

The Chair is elected in accordance with the rules set out in the Community Council's own Constitution. The chairperson is responsible for ensuring that discussion is productive, whilst adhering to the agenda, that meetings run to time and that clear action points are set.

In regular meetings, the role of the Chair is a formal one, all speakers will be expected to address their comments to the Chair. This helps the Chair to keep control of the discussion. In Committee meetings, where proceedings need not be so formal, the Chair may be content simply to steer the general direction of the discussion – this may be described as an enabling role. The extent to which a Chair adopts one or the other of these will be dependent upon the circumstances at a particular time or occasion. Set out in Appendix 1, are some of the characteristics of the two approaches.

Perhaps most importantly of all, the Chair is expected to know the rules by which the Community Council functions and ensure that at all stages of its work the Community Council is operating in accordance with any procedures that are set down. In this context, the Chair may be called upon to act as an arbiter when there is a disagreement about how the rules should be interpreted. For this reason, it is advised that a copy of the Scheme is at hand at every meeting of the Community Council, and that every member of the community can gain access to it.

This involves not dominating a meeting, and making sure the views of all are heard, and not just those of the most confident or loudest around the table. It means being able to foster an environment where people are happy to ask questions if they are unclear about something and to support each other's work and interest.

The Chair must maintain a neutral point of view. Where an issue arises that the Chair has an opinion on, they can temporarily vacate the Chair (handing over to the Vice-chair) to be able to state their viewpoint. It is important to recognise that the Chair's role extends out with the meeting itself. The Chair may be called upon to act on behalf of the Community Council between meetings, or to represent the Community Council in dealing with outside bodies. This role may also be delegated by the Community Council to other office bearers or members.

2.8 **The Vice Chair**

The Role of the Vice Chair is to stand in for the Chair when unable to attend a meeting and often the Vice Chair is the next "Chair in waiting".

2.9 **The Secretary**

The Secretary should take responsibility for:

- Arranging the venue for meetings;
- Forwarding, and responding to, correspondence, as agreed by the Community Council;
- Compiling the agenda for meetings (in conjunction with the Chair);
- Distributing the agenda in advance of meetings i.e. at least 7 days before;

- Copying and distributing minutes in advance of the next meeting, by post or email;
- Circulating a bullet point correspondence list to members along with the agenda;
- Taking minutes of meetings, or delegating this to a dedicated Minute Secretary;
- Liaison with officials of the local authority and other public bodies;
- Public relations, dealing with the media (the Community Council may decide to delegate this role to the Chair, or a dedicated media representative).

To be successful, a Community Council must have an energetic and conscientious Secretary prepared to put in the necessary time and effort. It is more than desirable for all members, but especially the Chair, to spread the Secretary's load by, for instance, delegating some of his or her responsibilities to other members.

It is important not to overload your secretary - you might find difficulty getting volunteers! The duties may be allocated to more than one person, for instance having someone to act as Minute Secretary i.e. taking minutes at meetings; the circulation of minutes remains, however, the responsibility of the Secretary – with support from all other members.

It may be considered essential by the Community Council that the Secretary has the necessary skills and capacity to fulfil their responsibilities e.g. access and knowledge of ICT; word-processing and photocopying facilities; and a familiar and confident user of the Internet, emailing and ideally social media.

2.10 **The Treasurer**

The Treasurer is responsible for banking matters relating to receipt of the annual Administration Allowance; third party funding and donations; and issuing cheques and making payments on behalf of the Community Council.

The Treasurer must manage the bank account; and account for all funds received, and ensure money is only spent in a manner which meets the objectives and approval of the Community Council and its members, as recorded in the formal minutes.

The Treasurer must maintain the Community Council's financial records so that they can disclose, with reasonable accuracy at any time, the financial position of the Community Council.

All cheques issued should be signed by at least two of three persons appointed to act as signatories by the Community Council members. These appointments need to be recorded in the minutes and notified to the bank in writing. It is necessary to have more than two authorised signatories, in the event of someone being unavailable at short notice. It should be a given that the Treasurer needs to be one of the three bank signatories. As a rule, Treasurers should avoid paying out money except by cheque. This makes accounting for expenditure much easier.

If a Community Council chooses to use online banking there must be safeguards in place equivalent to those for cheque based or cash-based banking. This includes procedures that are properly authorised, recorded and transparent.

The Treasurer must keep proper accounts of all receipts and expenditure and prepare an Annual Statement of Accounts. Community Councils need to use an independent, external competent person to verify the accounts. This need not be a professional

accountant but should be someone who has some relevant knowledge and/or is considered competent. The Independent Examiner of the Community Council's accounts shall not be a relative of a member either by birth or marriage, nor in a relationship with or live in the same address.

The statement of accounts must be formally approved at the scheduled AGM held in April/May each year, when the Treasurer must report and answer any questions raised by members or the public. When certified and approved, accounts should be sent to South Ayrshire Council, as part of the process of consideration to receive the annual Administration Allowance for the appropriate year.

The standard form of words for the Treasurer's Certificate is: "*I certify that these accounts have been prepared by me and accurately reflect the financial provisions relating to the financial period of _____ to _____*".

2.11 **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.

2.12 **Associate Member**

An associate member is someone who lives outside the area (or are out with the usual electoral register) but have a particular skill or knowledge. They have no voting rights and cannot hold office bearer positions.

3. **MEMBER INTEREST – DECLARATION OF INTERESTS**

All members shall declare in advance any financial or other interest however minor that they or their direct relatives 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 thereon.

If a member is unclear as to whether a matter is sufficiently material to require him or her to make a declaration of interest, he/she should declare it nevertheless to the Community Council for a view; the Community Council shall then decide if the member should make a declaration of interest and accordingly withdraw.

The Community councillor cannot choose to assume the rights of a member of the public. They are for the purpose of the proceeding a member of the Community Council with the power to make and influence decisions on the matter, it is for this reason that if they have an interest in the relevant matter being discussed, they must declare and withdraw from the proceedings and discussions involved in making the decision,

to avoid the accusation/perception of bias/undue influence or swaying the decision their way.

Unless those members present who have been requested to form a view are not in a simple majority that the matter does or does not require a declaration of interest, then the member will require to make a personal decision whether to make a declaration of interest and to withdraw.

It should be fully understood that all members are bound by the Scheme for Establishment of Community Councils (2026), which includes the Code of Conduct for Community Councillors, which itself includes the following Clause 3: Integrity – “If you have any such private and/or personal interest in a matter to be considered by the Community Council, you have a responsibility to declare this and if deemed necessary by other members withdraw from discussions and the decision making process with regard to that matter.” See Scheme - Constitution Clause 10(b).

If it is subsequently established that a member had an interest in an item of business dealt with by the Community Council but had knowingly 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. Any earlier decision made by the Community Council may be upheld or changed.

At that next available meeting, 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 censure / vote of no confidence / and/or disqualify the member in accordance with Scheme Clause 12 and Guidance Appendix 2.

4. COMMUNITY COUNCIL ELECTIONS

4.1 Provisions

There are three types of Community Council election:

- Establishing a Community Council – this begins with receipt of a petition and seeks to establish a Community Council where one has not previously existed.
- Re-establishing an existing Community Council as part of the usual election cycle.
- Interim election process to fill vacancies – should circumstances arise that lead to the number of elected community councillors falling below HALF of the maximum permitted membership, the local authority shall be informed and shall undertake arrangements for an interim election to be held.

4.2 Appointment of Returning Officer

The Returning Officer for Community Council elections shall be the Service Lead – Thriving Communities, South Ayrshire Council. He/she may appoint Deputies to discharge all or any of his/her duties.

The decision of the Returning Officer is final and cannot be challenged on election petition.

The Returning Officer shall publish a Notice of Election.

4.3 **Timetable**

Community Council elections will be held every four years. In each fourth year South Ayrshire Council will publish in the local press and on its website the Notice of Election. If a by-election is required, South Ayrshire Council may choose to advertise only in the locality where the by-election will take place.

4.4 **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. See Guidance Appendix 3.

Nominations Forms must only be completed by the individual person proposing themselves to become a community councillor.

Every candidate must consent to his/her nomination in writing. Consent to nomination will be included in the Nomination Form. By completing the nomination form, candidates agree to South Ayrshire's terms within the accompanying Privacy Notice. See Guidance Appendix 4.

The signature of the candidate on the Nomination Form requires to be witnessed. The witness must be 16 years of age or over and be known to the candidate.

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

4.5 **Candidate's Statement / Canvassing**

It is recommended that the candidate provides 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.

4.6 **Validity of Nomination Papers**

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.

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.

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.

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. The Returning Officer's decision shall be final.

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

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.

4.7 **Political Parties**

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

4.8 **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 wherever possible.

4.9 **Term of Office**

The term of office shall be from 1 April (year one) to 31 March (year four) except for the provision of Censure. And in subsequent years from the date of election until year four.

4.10 **Rejected Ballot Papers**

Any ballot paper:

- on which there are more votes cast than there are vacancies;
- on which anything is written or marked by which the voter can be identified;
- 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.

4.11 **Decisions on Ballot Papers**

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

4.12 **Equality of Votes**

Where, after counting the votes (including any re-count), two or more candidates have the same number of votes, the Returning Officer will break the tie by drawing lots. The candidate whose name is drawn will be treated as if they received one extra vote and will be declared elected.

4.13 **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.

4.14 **Absent Voting**

There shall be no provision for absent voting.

4.15 **Appointment of Agents**

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

4.16 **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.

5. REASONS TO DEMIT OFFICE – COMMUNITY COUNCILLORS

Community Councillors demit office as follows:

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

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 Senior Communities Officer at communitycouncils@south-ayrshire.gov.uk at the same time as it is sent to the Secretary or Chair. Should an individual require assistance in providing a written resignation, the Community Council is obliged to provide support to the individual to accomplish this.

Becomes an Elected Member of South Ayrshire Council! (or of any other legislature)

Non-attendance – where a Community Councillor has not attended three consecutive Community Council meetings without reasonable excuse or prior notification, or where there is no agreed leave of absence, that Community Councillor will be deemed to have demitted office and the subsequent vacancy will fall to be filled. (see Scheme Clause 4.1)

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. If he/she does not resign, he/she will be deemed to have demitted office.

5.1 **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.

5.2 **Inspection of Documents**

These documents shall not be open to public inspection.

5.3 **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.

5.4 **Public Meetings**

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

6. **MEETINGS**

Meetings should always be properly convened and minuted. Community Councils should not hold informal or unminuted meetings where decisions are taken, particularly following elections or when dealing with governance matters.

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

This section highlights the importance of meetings, what should be covered, and the different kinds of meetings a Community Council may have. Effective meetings are important not just in making sure the Community Council progresses what it should be doing and any decisions which are made, but also in keeping members and others involved and interested.

Meetings that drag on and on, with people straying off the point, not listening or being discourteous, can be a disincentive to even the most committed member. Good meetings are not just about getting things done but about respect and consideration for others.

Following the four-yearly full election, the first formal meeting of the Community Council should be properly convened and minuted. All members at that point are considered newly elected, including those who have been re-elected. The purpose of this meeting is to formally re-establish the Community Council, confirm office bearers and adopt the Constitution and Standing Orders.

6.1 **Agendas**

For all Ordinary, Annual General Meetings and Special Meetings, an agenda should be published by the Secretary at least seven days prior to the meeting taking place so that members and the public know what is to be discussed and can be prepared in advance. A standard format for agendas could include:

AGENDA Example

Meeting of the *NAME* Community Council at *TIME on DAY, MONTH and YEAR*
in *VENUE*

1. Recording of membership present and apologies received.
2. The Minutes of the last meeting are submitted for accuracy and approval.
3. Any matters arising (not already on the agenda) are addressed.
4. Correspondence (the Secretary should consider producing a "list of correspondence" to be sent out with the agenda).
5. Reports i.e. Treasurer; Elected Members; Police; Weekly Planning List; Licensing etc.
6. Consideration of other agreed items of business as directed by the Chair.
7. Any other competent business (AOCB).
8. Questions from the floor.
9. Chair to declare date of next meeting and close meeting.

6.2 **Apologies**

The apology of any Community Councillor who is unable to attend should be recorded in the minutes. This is important as Community Council members can be censured / vote of no confidence / disqualified if they fail to attend regularly and/or miss a specified number of consecutive meetings without good reason with or without submitting apologies.

It is also important to record who was present, so that it will be known in the future which Community Council members put their names to any motion. A member who is present, and who strongly disagrees with a motion adopted by the Community Council on a simple majority vote, can ask for their dissent to be formally recorded in the minutes.

6.3 **Minutes**

It is a requirement of the Scheme for formal minutes to be kept. This is the responsibility of the Secretary, but the Community Council may agree to appoint from within itself, or engage for reasonable payment or otherwise, a Minute Secretary (Honorarium). This can free the Secretary to take a more active part in the discussions.

All minutes should be a true and accurate reflection of the meeting and should note what happened in the meeting in the order in which events took place. The minutes do not need to be a verbatim record of what was discussed throughout the meeting. However, they should reflect the extent of debate, particularly on contested topics.

The Minutes to be approved should be circulated to all members, and to those others present at the previous meeting, to confirm the accuracy of the minute. The Chair should ask whether everyone who attended the meeting in question agrees that the minutes are a true record of the meeting concerned. If any member wishes to query any point this is the time to do it.

Once the minutes are formally approved, they cannot be changed; therefore, any suggested amendments are discussed before approval, and if any amendments are agreed, the appropriate changes are made. It must be stressed that only the record of the previous Minute can be discussed and agreed at this stage. Discussions on the merits of any previously recorded decision should not be opened at this point in the proceedings. It is the Chair's responsibility to rule accordingly. A member then proposes the formal approval of the minutes as a true record. It is advised that Community Councils should also seek to identify a seconder to the formal approval.

If there are still objections, the matter should be put to the vote; the minutes can be formally approved by a simple majority, if not unanimously. This is recorded in the minutes of the current meeting. As in any other disagreement, a member whose views are not accepted and rejected on a vote can request that his/her dissent be recorded in the minutes.

While not all details need to be discussed at a public meeting or recorded in full in the minutes, the minutes should acknowledge when a complaint has been received and note how it is being dealt with, including any updates as the process progresses. The outcome should also be recorded in the minutes once the process is complete.

6.4 **Matters arising from previous minutes**

Community Councils should avoid reigniting any previous disputes following approval of the minutes. The current meeting's agenda should ensure that previous and ongoing items are not forgotten, and that actions identified and taken up by members at the previous meeting, have in fact been carried out. As all discussion is recorded in the current minutes, items which have been completed can drop out, and items still ongoing remain; to automatically come up at the next meeting. Any correspondence received relative to matters being discussed, and especially if requiring action/s, is best presented by the Secretary at the appropriate point.

6.5 **Correspondence**

During correspondence, any letters, emails, and telephone calls received since the previous meeting are made available by the Secretary for consideration and decisions for actions. To save time, potentially long items, e.g. Weekly Planning Lists, should not normally be read out but referred to and made available for perusal.

Good practice would include a Secretary compiling a correspondence 'bullet' list which can be circulated with the agenda and draft minute seven days prior to the date of the next meeting. In addition, the Secretary should ensure that appropriate attention is given to any short timescales or deadlines for responding. As such, and at the very least, the Secretary and Chair could discuss the most appropriate action to be taken e.g. sharing information with all other members prior to the date of the next meeting and outlining those actions and/or decisions are required.

While the Scheme sets clear timescales, it is recognised that genuine circumstances such as holiday recess periods, illness, or unavoidable absence may occasionally affect meeting arrangements. Any flexibility applied will be reasonable, proportionate and considered on a case-by-case basis.

All Community Council members are highly recommended to use generic, role-based email accounts for council business, rather than personal email addresses.

Examples include:

- [chair.\[councilname\]@gmail.com](mailto:chair.[councilname]@gmail.com)
- [secretary.\[councilname\]@gmail.com](mailto:secretary.[councilname]@gmail.com)
- [treasurer.\[councilname\]@gmail.com](mailto:treasurer.[councilname]@gmail.com)
- [councillor.\[name\]@gmail.com](mailto:councillor.[name]@gmail.com)

Using personal email accounts creates risks around confidentiality, data protection, continuity, and record-keeping. When council information is stored in personal inboxes, it becomes difficult to manage, retrieve, or protect in line with good governance and information law standards.

Role-based council email addresses ensure:

- Council business remains separate from personal correspondence
- Communications can be safely handed over when roles change
- Records can be accessed for transparency or statutory information requests
- Complaints or sensitive issues can be directed to the correct person (e.g., complaints about the Chair must not go to an inbox the Chair controls)
- Councillors present a consistent and professional point of contact for residents

For these reasons, Community Councils must not rely on a single shared email account, and must ensure each office-bearer and councillor has their own dedicated council email address.

6.6 **Reports**

Reports is the point in the meeting when regular attendees such as the local Community Police, Elected Members, Specialist Co-Optees and Community Council representatives to other groups are asked to give a brief report to the Community Council. This is the point at which the Community Council learns what others are doing and in the subsequent discussion can advise on what the Community Council and local community think. Some reports will be regular, i.e. Treasurer's report, Weekly Planning Lists etc., whilst others will be occasional i.e. Special Interest Items and sub-group reports.

6.7 **Special Interest Items – visiting speakers**

When there is an item of special interest it should be given its own spot on the agenda. It may be a presentation by a visiting speaker - in which case it can be a matter of common courtesy for the Chair to advance the item to the start of the meeting, so the visitor does not have to sit through the routine business. This is not only common courtesy but particularly important if the speaker has far to travel, enabling him/her to get away as early as possible.

6.8 **Treasurer's Report**

The Treasurer should report on the financial situation of the Community Council at each meeting, on any money received and spent, and consider other budgetary related activity. At the very least, the Treasurer should state the current bank balance taken from the monthly bank statement and whether any income has been received or any expenditure incurred since the previous meeting.

6.9 **Weekly Planning List**

Planning is often a key concern of Community Councils and to the public. Community Councils should have a regular slot on their agenda to deal with planning matters. These can range from considering Development Planning applications and how they should respond to these, to dealing with current and/or emerging Local Development Plans or considering responses to other forms of consultation.

Community Councils may consider establishing sub-groups to deal with planning issues, given the short timescales involved on occasion, and the degree of scrutiny often required. These sub-groups may meet between scheduled Community Council meetings (taking cognisance of closing dates for Planning responses), and report back to the main Community Council as appropriate.

Where an application is made to the Scottish Ministers for a windfarm, the Council is a statutory consultee, and it is the Scottish Ministers, through the Energy Consents Unit, that is responsible for community consultation.

6.10 **Licensing**

Similarly to the Weekly Planning List, Licensing matters can also be a source of concern and should likewise have a regular slot on the agenda. For those Community Councils experiencing a high volume of licensing matters, it may again be useful to establish a sub-group.

6.11 **Any Other Competent Business (AOCB)**

Gives members the chance to raise issues and matters brought to them by the public. Ideally, the Chair will move round the table giving each member the chance to raise topics in turn, time permitting. It should be expected that it may be more appropriate for some topics to form an item for the next agenda, to allow enough time for adequate and informed discussion.

6.12 **Date, time, and venue of next meeting**

It is important where possible that everyone present knows, or is reminded of, the date, time, and venue of the next meeting before the meeting breaks up, even if there is an existing published timetable of meetings.

Quick checklist for meetings

1. Do your meetings start on time and finish on time?
2. Do your meetings never or rarely exceed two hours in length?
3. Does everyone turn up? Or, if not, have they put in their apologies?
4. Has everyone prepared by reading previous minutes and being aware of the agenda?
5. Do minutes go out early after a meeting?
6. Are the minutes usually a short and accurate reflection of what went on and the main things stated and if necessary agreed?
7. Are the action points on them clearly stated?
8. Are they sent to everyone who should see them?
9. Does the Chair or other members e.g. Co-Optees/Specialist Co-Optees follow up in between meetings to see what progress is being made and that people are geared up to report back at the next meeting?
10. Does the Chair work with the Secretary and any others to set the agenda ahead of the next meeting?

6.13 **Annual General Meetings (AGM)**

In addition to ordinary meetings of the Community Council; an Annual General Meeting (AGM) shall be held in April/May of each year to:

- Record membership attendance and apologies received;
- Approve the presented minutes of the last Annual General Meeting (AGM);
- Approve Chairs annual report (written or minuted at the AGM);
- Approve Treasurer's submission of Independently Examined Statement of Accounts;
- *Note implementation/continuation of the Scheme for Establishment of Community Councils;
- Note current office bearers step down;
- Note election of office bearers; if the first meeting was held before the AGM, simply record who was appointed as office bearers
- *Confirm that the Constitution is signed and dated by the Chair and 2 other members of the Community Council;
- Note appointment of Community Councillors to Outside Bodies e.g. Locality Planning Groups;
- Note the appointment of an Independent Examiner of accounts for the next year;
- Note the appointment of Specialist Co-optees;
- Review the Inventory and Additional Resources:
- Chair to declare that a date in April/May of following year will host the next AGM;
- Chair closes meeting.
- ❖ (*not all of the above items may be necessary to include as agenda items)

In normal circumstances no other matters may be raised at the AGM other than those on the set agenda.

For every year at the AGM the procedure for election of office bearers is as detailed in the Constitution. Normally the outgoing Chair will hold the position until the new Chair is elected unless they are also standing for this office. In which case, another member of the Community Council who is not standing for office should preside or an Ex-officio member. Upon election, the new Chair takes on the Chairing role for the rest of the meeting. Under some circumstances, meetings may be more efficiently conducted on the basis that the outgoing Chair fully concludes the meeting before handing over.

The AGM agenda must be published at least seven days before the meeting. Although the previous year's AGM minutes receive final approval at the following year's AGM, the Secretary, and other members, should consider circulating the draft minutes of AGMs at the next following scheduled Ordinary meeting of the Community Council for approval in principle (rather than waiting 12 months). It would be practical for Community Councils to also forward these 'draft' AGM minutes to South Ayrshire Council for filing in the meantime.

6.14 **Special Meetings**

The agenda for Special Meetings must be restricted to only those items raised in the motion calling for the meeting. No other matters must be discussed.

Any special resolutions should be passed or rejected as printed on the agenda. Any alteration should only be made with the consent of those present and then only if the Constitution allows for the printed resolution to be amended. A typical agenda for a Special Meeting could be:

Special Meeting of the NAME Community Council at TIME on DAY, MONTH, YEAR in VENUE

6.15 **Agenda**

- ❖ Recording of membership present, and apologies received.
- ❖ The nature of the calling notice for the Special Meeting.
- ❖ The business for debate, as described in the calling notice for the Special Meeting.
- ❖ Chair to close meeting.

A Special Meeting, no more than 4 per annum, may be called by a simple majority of the total voting membership present and eligible to vote (any such decision should be clearly minuted) in the following circumstances, although these are not exhaustive:

Community Councils can call a Public Meeting other than the Annual General Meeting, at which members of the public are given the right to speak, and every reasonable opportunity to be heard;

Or

In the event of the Chair's annual report and/or the Treasurer's independently examined statement of accounts not being approved at the AGM by the Community Council or thereafter by South Ayrshire Council;

Or

In the event that a motion of censure or vote of no confidence is raised against the Community Council, or members thereof, by no less than two thirds of constituted members themselves or by at least 20 Community Council electors of the area;

Or

Receipt of a Petition by South Ayrshire Council (written request) signed by 20 Community Council electors of the area all signatories will be subject to validation (See Scheme Clause 3.1). The Petition shall specify the matter and reasons for calling such a meeting;

Or

If a quorum cannot be achieved within 15 minutes of the advertised meeting start time, then the meeting and all items of business can either be deferred to the next scheduled meeting date; unless items of business are urgent then another Special Meeting could be arranged; or those members in attendance can hear reports as information only and defer any decisions and/or actions until the next quorate meeting (See Scheme Clause 9.6);

Or

In cases where the Community Council deems it necessary to hold a meeting, or parts of a meeting, in private (See Constitution Clause 14k);

Or

In cases deemed to be an emergency, a Community Council meeting may be held after giving less than the usual seven-day notice;

Or

In receipt of a request for a private meeting out with the scheduled meetings, from South Ayrshire Council.

Note: A formal motion is a proposal, and it is usual practice that the proposal should be followed by a seconder. The wording of the motion should be accurate, agreed and recorded in the minutes, and can be passed unanimously, or be subject to a vote. In the case of Annual General Meetings (AGM) and Special Meetings, the wording of the motion is set out on the agenda calling the meeting. The results of any vote must be detailed in the minutes and, if they so request, the names of those opposing the motion listed.

Voting will be as outlined by clause 5 of the Scheme - Standing Orders, and all Community Councillors present may vote; there is no provision for proxy votes. Minutes will be taken of the meeting and considered at the next regular meeting unless the meeting was held in private, in accordance with Scheme 7.6

6.16 **Hybrid Meetings**

Community Councils may decide to take an in- person, online or hybrid approach to their meetings and the platform to be used for any meeting is for the Community Council to decide.

7. **WORKING EFFECTIVELY**

7.1 **Working effectively at meetings**

Meetings are of crucial importance to the work of Community Councils. It is at meetings that opinions, ideas, feelings, good intentions etc. get translated into hard decisions, and it is those decisions that will ultimately be translated into practical action in your community. If you really want to influence what is going on in your community then it is vital that you can participate effectively in the work of your Community Council's meetings.

It is perfectly normal that, in any meeting, the individuals present will have different, sometimes opposing views. For this reason, it is important that meetings are Chaired effectively so that there is a balance between hearing what everyone has to say on a subject and getting through all the items of the agenda.

If there is something of major significance that you want to raise at a meeting make sure that you tell the Chair, Secretary, and/or Treasurer in advance, ideally at least 7 days prior to the date of the meeting, so that it may be included as an item on the agenda. This means that the person in the Chair can try to ensure that sufficient time is made available to discuss your item. If you do put an item on the agenda, be prepared to make a brief verbal representation to the meeting, setting out:

- the background to the item;
- what you think the central issue is;
- what you think ought to be done about it.

Be prepared to actively listen to other people's ideas on the matter; they may have information on the subject that you don't, they may help you to see things from a different perspective, or they may come up with ideas that offer a better solution than yours. Remember that the key activity for a good Community Councillor is to make things happen for the community. Discussion, seeking consensus and collective decision-making should be common practice; 'point scoring' at meetings on the other hand should be avoided.

Sometimes you may be asked to participate in a sub-group of the Community Council, to research some points for the next meeting of the Community Council. Sub-groups can play an important part in clarifying issues so that decision making is easier at future full meetings. Although sub-groups may involve some extra time commitment you should try as far as possible to get involved so that the work of your Community Council is spread evenly, and you get a deeper insight into what is going on at Community Council meetings.

A formal record of what was agreed at sub-group meetings should be kept in an appropriate form. Make sure whether you agree or otherwise with the formal record as this will be presented to the full Community Council meeting and will usually determine exactly what action is to be taken.

As a rule, it is much easier to influence decisions by working together and co-operating, rather than by confrontation. This is equally true whether in meetings, in dealings with other members or in correspondence, e.g. when writing to Officials of the Local Authority.

Community Councils that make a positive contribution can gain respect and be increasingly involved in consultations on any proposals affecting their community. It is crucial that effective working relationships are established.

7.2 Establishing priorities

Some Community Councils have acknowledged that it can be more difficult to deal with matters that are not practical issues such as 'grass cutting' or 'potholes in the road'. While these 'bread and butter' issues are an important part of the work of a Community Council and should be reported through SAC's system for reporting problems <https://www.south-ayrshire.gov.uk/report/>

It should never be forgotten that there are other matters, that may appear to be less obviously important in the short term, but which may have a future bigger impact on the community e.g.

- changing economic conditions
- population changes in the local community
- long-term development proposals

It is important that placing too much emphasis on 'everyday' issues does not lead the Community Council to overlook matters like the ones above, which are of strategic importance to your community. The way to overcome this potential problem is for

Community Council members to think as a collective body and work effectively with Local Elected Members to progress other matters.

Ward Councillors and other elected members are encouraged to engage with Community Councils where possible. Attendance cannot be required and may depend on other commitments. Non-attendance should not be interpreted as a lack of support or interest.

Try to be clear about which issues are most important for your community and which to allocate most time to. This may mean choosing between the short-term and longer-term matters. Always remember that strategic issues are important and should not be set aside simply because there is another issue that appears to be more urgent.

One way to get through complex issues that are important would be to split up the task and allocate responsibility for bits of the task to different individuals or working groups of the Community Council, over a series of meetings.

Another way that Community Councils can deal with ongoing issues is for individual members with specific knowledge, experience, or interest, to take on the role of 'looking out' for news on issues in local press or in the public sphere generally. This would also help in dealing with the wide range of consultation documents that Community Councils are asked to respond to e.g. a Weekly Planning List contact and/or sub-group are often appointed to ensure that timely responses to planning applications are made.

The Community Council should also seek to participate on other initiatives and structures, such as Locality and Community Planning Partnerships, and Community Safety Joint Action Groups etc. Appointed representatives to these bodies can ensure that the communities' voices are heard. A substitute representative is also useful to ensure continuity of attendance.

7.3 **Preparation before and action afterwards**

Effective meetings don't just happen - there is a sequence of events leading up to and following on from a meeting that will help determine whether the meeting goes well or not.

To assist with preparation before a meeting and actions afterwards it is best practice that the minutes are produced shortly after a meeting and sent out to Community Council members and other appropriate parties so they can see what was said, what had been agreed; and what would be done before the next meeting.

It is important to send minutes not just to those that were at the meeting but to others who missed the meeting or who may be expected to do something because of the meeting. It is all too easy for people who have been involved to inadvertently slip out of the information loop, by simply missing one or two meetings.

When coordinating the circulation of minutes, the Secretary will send an approved minute within 14 days from the date of the meeting which approved them to South

Ayrshire Council as a matter of course and make same available to the public for inspection via websites; libraries; and any other appropriate public space.

It is always important to make the minutes of meetings publicly available so that the wider community understands what the Community Council and its members are doing. To assist in this process, it is also important that the minutes are made available to South Ayrshire Council and written in such a way that it is easy to identify what actions and timescales have been agreed and who is responsible. It is invariably the case that work between meetings moves things forward rather than the meetings themselves.

7.4 Using sub-committees

Sub-committees often arise from a realisation that it is difficult to get everything done in one overall meeting of the Community Council. It is common for Community Councils to set up sub-committees to look at issues, or deal with work that has tight deadlines. An example of an ongoing issue would be planning, which requires inspection of the Weekly List of planning applications; this is because the deadline for responses can sometimes expire before the next Community Council meeting.

Sub- committees can prevent any one specific activity from overshadowing the agenda of a full Community Council meeting. In addition, a dedicated sub-group can focus on its specific project or task and spend more time on the detail, which can result in an increased achievement.

It then becomes important that there are good connections and feedback between the sub-groups and the full Community Council meeting. When a need for a sub-group has been identified, make sure that it has a clear remit for its work; what it can and cannot decide upon; and what must be given final approval by the Community Council.

Remember the full Community Council holds ultimate responsibility for the minuted recommendations and actions of the sub-groups, and therefore the full Community Council must agree any important decisions it makes.

8. CONSULTING WITH YOUR LOCAL AREA

Community Councils need to make every effort to communicate with all the residents living in the community. There are two parts to this duty: firstly, to seek their views; and secondly to keep them informed of the Community Council's work as their elected representatives.

This is a positive duty. Fulfilling it will immensely improve the service you give to the community. Here are some examples:

- Ensure your local authority is giving you the support you need to fulfil your duty through regular engagement with your Community Council Link Officer.

- Include main contact details in all correspondence issued from your Community Council.
- Always invite contact and encourage feedback
- Whenever possible, restate the ways constituents can contact you. Make this as easy as possible for them by offering multiple contact routes e.g. email, telephone, social media or a suggestion box in a key community location.
- Create a website or ensure your details are included on the Local Authority website. List contact details and show the date, time and venue of meetings, and the agenda. Include the minutes of all previous meetings.
- Look into using social media channels to publicise the work of the Community Council and to share information about upcoming meetings.
- Collate a database of e-mail addresses for constituents. Ask for permission to send them e-mail bulletins seeking their views and reporting your actions.
- Display Community Council contact details in all public buildings. Include information on what you do and how you can help.
- Secure space in any local newsletters, including local authority publications. You might want to do this collectively among all the Community Councils in your area.
- Invite and encourage the local press to attend meetings. Issue press releases on matters of local interest and communicate with the local media through your social media channels. Consider appointing an individual to handle social media channels and media relations.
- Whenever you have a change of office bearers, communicate this information through your website, social media and contact any local organisations you have worked with. This communication should indicate the new office bearers. Do the same after every Community Council election.
- Create and issue surveys at least once per year. Ask questions about the community's perceptions of you, of their community and their quality of life. Ask what you can do to improve the Community. Find out what their priorities are. Be sure to include questions on the issues that will be important to your constituents in the future even if the details are not fully known. These surveys can be issued via email, social media, and your website, as well as via printed papers in libraries or community centres in your area. Consider shorter, faster surveys on individual issues of significant local importance as they arise. The responses will be very important in helping you demonstrate how you speak for the community.
- Hold public meetings (in the true sense – all meetings of Community Councils are by law open to the public) whenever there is an issue of sufficient local importance. Monitor the attendance in terms of whether it representatively reflects the community – age, sex, area of residence, overall numbers and so on.

- Place suggestion boxes in prominent, busy local venues, as well as inviting online suggestions via email, social media, and the website. Always respond to comments left when the person gives contact details. Regularly report comments at full Community Council meetings.
- If possible, deliver flyers or leaflets door to door. This is also an excellent way for community councillors to get to know their constituents, and vice versa. If there is a locally community radio station, consider using it to promote the work of the Community Council.
- Word of mouth and informal personal contact is a common practice and has its place. However, it is the least objective method of discovering the community's views and should not be relied upon wholly when the Community Council make important decisions.
- Use Plain English and explain any professional terminology or “jargon” used in all Community Council publications and correspondence to ensure that information is easy to understand.

The Scottish Community Development Centre (SCDC) has developed several resources to help with community engagement, including the National Standards for Community Engagement, which outline good-practice principles designed to improve and guide the process of community engagement.

The level of community engagement should be proportionate to the issue being considered. Low-impact matters may be addressed through agendas, minutes and meeting discussion, while higher-impact matters should involve wider publicity and clearer opportunities for community input. Community Councils are expected to take reasonable steps to seek views, not to reach every resident.

Remember:

- Always make it easy for the public to contact you
- Always seek comments and opinions from the community.
- Evaluate your effectiveness regularly
- Never let the personal opinions of individual community councillors replace the views of your community
- Always adhere to the principles of the Community Councillors Code of Conduct

8.1 Campaigning on issues

How does a Community Council decide which issues it will consider and how to pursue them?

You will be presented with a large variety of issues and problems. Some will affect a single member of the community, others the entire community and beyond. Your Community Council must try its best to make a balanced decision on what issues it will tackle and how.

Start by applying the “community benefit” test. Your actions should be directed towards securing the most positive results for the greatest number of local people, so long as the minority is not adversely affected. When faced with a number of issues, give first and most attention to those that affect the most people and on which you can realistically have a positive effect.

Begin by gathering information. Decisions made without information, by prejudging the issue or by making assumptions, are bad for your community and your reputation. Find out the key points and then find out what local people feel about it.

Base your Community Council’s position on the views of or benefit to most citizens. The Community Council can play a role in making sure local people have access to balanced information and discussions to inform their views.

Be honest and realistic about whether you can do something about the issue. What influence can you have on the issue and those involved and what action can you take to bring about change? Can you secure professional advice on technical aspects that would help you make your case? Research the person/ organisation you want to influence – how can you engage with them to reach the desired outcome for the community?

Decide what results you want. Be specific. Know why you want each of these results and exactly how they will meet the conditions above about benefit to the community.

Figure out how to reach these objectives and monitor your activity. Assess how you can tell when you have achieved your objectives.

An issue does not need to have only two opposing sides. Could your Community Council be an independent mediator bringing opposing factions together?

Avoid allowing the Community Council to become the vehicle for any campaign that is not the evident will of most of the community. When and if that is established, maintain that position, and do not let your Community Council become the venue for constant debate about the issue’s merits. Nor should any single issue overwhelm your meetings.

When you have determined the official position of your Community Council on an issue, you should not alter it unless there is a material change in evidence or circumstances.

A community councillor who becomes publicly associated with a particular position in a way that may be seen to prejudice the Community Council on an issue must declare their interest to the Community Council and not take part in any activity associated with it.

You may choose to appoint a special committee to co-ordinate your action on a particular issue with appropriate delegated authority. Make sure the committee has a clear remit and set clear instructions on what it may do or not do without the prior approval of the whole Community Council.

8.2 **Representing your community**

Communities want to see how their views are being reflected in the decisions made on their behalf by Community Councils. This can be achieved in several ways: Minutes of Community Council meetings – minutes should accurately reflect the business at a meeting and the decision that was reached. This decision should be made based on known community opinion (evidenced where possible) to clearly show to both the local community and other outside bodies, such as the local authority, that the community have been listened to and their view(s) accurately reflected.

Community Council meetings – this is the clearest way for Community Councils to share the known views of the community and to demonstrate to those in attendance that they are being listened to. The Annual General Meeting (AGM) is a great opportunity to promote the work that the Community Council has done over the preceding year.

Public (subject specific) meetings – where these reflect areas of local concern it demonstrates to the community that they are being listened to and consulted, that their concerns are being acknowledged and that action is being taken where appropriate on their behalf

Attendance at public sector agency meetings – such attendances should be reflected in the minutes to identify where community councillors have attended on behalf of their community. Issues/ opinions expressed by the community councillor should be reported back to the community through the minutes.

Newsletters/public notices – useful to engage and share information but also to gather local views and identify how local views have shaped the views/work of the Community Council.

Website and social media – these are increasingly important channels to ensure that you are reaching a wide cross-section of your community. As well as sharing information, they can also be a useful resource for gathering opinions from local people.

Membership – encourage membership from across the geographical Community Council area reflecting the make-up of the community it represents. The Community Council should strive to be diverse and inclusive in its membership and leadership to ensure that all members of the community are represented.

Communication channels – a Community Council should communicate regularly with community members to keep them informed about their activities, upcoming events, and issues affecting the community, as well as establishing communication channels with key public and third sector organisations in the area. Examples of communication media include notice boards, posters in local shops, suggestion boxes and online via email, newsletters, social media, forums, and virtual notice boards.

Consultation – it is important for Community Councils to represent local views through various mechanisms including consultation where possible.

All information produced should be available as widely as possible and easily accessible. It is also important that the Community Council seeks out the most effective ways to engage with the residents so that members of the public can inform the Community Council of issues which they would like to see discussed and make their views known.

When establishing views, community councillors should canvass local opinion but be careful not to be perceived as orchestrating campaigns unless endorsed by the community. Community Councils should be aware that it is often only a vocal minority who make representations but that their responsibility is to represent the views of the whole community.

8.3 **Dealing with conflict**

Working in a Community Council may not, at first sight, appear to have much to do with 'politics'; indeed, all Community Councils are required to always act as non-political bodies. However, it must be recognised that the work of Community Councils does at times concern the exercise of power, albeit at a very local level.

For example, there is the power to:

- get things done in the community;
- take issue with other tiers of government;
- advise on allocating resources within the community.

Wherever power is exercised there is always the possibility of conflict developing. This may be because individuals and organisations find themselves competing for access to the same resources in the community. Or it may be simply that individuals or organisations wish to demonstrate their ability to wield power and influence in the community.

But whatever the reason, conflict can break out from time to time even in the most peaceful of communities. When it does it is important to know how to deal with it effectively so that major rifts do not develop in the community. See Unacceptable Actions Policy APPENDIX 9

Because community harmony is so important, Community Councils need to ensure that, as far as possible, they exercise their power in a fair and reasonable manner. They should also try to ensure that they work in a tactful and diplomatic manner, liaising and consulting with individuals and other organisations in the community wherever possible.

8.4 **Conflict within Community Councils**

It also has to be recognised that conflict can break out within Community Councils, just as in any other part of the community. It may be that conflicts are imported into the context of the Community Council from outside, or it may be that conflict breaks out because of a particular issue that is on the agenda. In any case it is useful to think about dealing with such conflict before you find yourself in the situation. This

gives you a chance to work out a strategy before you get caught up in the emotion of the event.

8.5 **Personality clashes**

Conflict which relates to a clash of personality is perhaps the most difficult to deal with because the actual issue over which the clash takes place may simply provide an opportunity for the parties to demonstrate their strongly opposing views. Where this is the case, they may be less concerned with reaching agreement or getting through the Community Council's agenda than with addressing their own personal agenda.

Such personality clashes can make other Community Councillors feel uncomfortable and can prove damaging in the long term to the work of the Community Council. In this situation it is worthwhile remembering that it is not usually possible to change a person's personality. What can be changed, however, is their behaviour, that is, what they do.

If there are certain things which someone is doing that cause conflict in the group e.g. rudely interrupting other people, or monopolising the discussion, it may be possible to find a way of persuading that person to change his or her behaviour. This can sometimes be achieved using appropriate pointers, aimed at making the person aware of the behaviour that other people find offensive. At other times it may be necessary to try to persuade the Chair to intervene more forcefully to prevent that behaviour leading to conflict.

In any case it is generally a good idea for Community Councillors to talk about how they feel about 'difficult' behaviour, otherwise there is a danger that communication will break down and conflict may eventually emerge in an even more damaging form e.g. Community Councillors resigning and/or leading to an established Community Council becoming entirely undermined.

8.6 **Conflict over community issues**

Another form of conflict that you might come across in meetings relates to the community issues on the agenda, rather than to more general clashes of personality. From time-to-time issues will arise that some Community Councillors feel particularly strongly about. This may be because of their personal beliefs or values, or it may be because they are representing the strong views that are held in sections of the community.

If you do find yourself in this sort of conflict it is important to show that, even if you don't see things in the same way as others, you do recognise that they feel strongly about the issue, and you understand what their concern is.

You should then explain your feelings on the matter, being firm but friendly, trying wherever possible to find concerns that you share with them. Then move on to the areas where you differ and try to use their ideas as a base on which to build a solution that is acceptable to all concerned e.g. "*I understand your concern about X and think that it's something that we ought to do something about. However, I would want to approach the problem from a different angle because I think that Y is*

important too. Why don't we do Z, which will meet your concerns about X and my concerns about Y?"

In this way it is possible to demonstrate to other people that you can listen to other people's ideas as well as presenting your own. By demonstrating your ability to listen you will also increase the likelihood that other people will listen to you.

In all types of conflict, a Community Councillor arriving at the meeting 'fired up' about a particular issue is unlikely to act constructively or agree compromise. An experienced Chair will, as early as possible, allow both sides ample time to state their case and then try to broker a compromise.

Planning issues can often arouse considerable ill-feeling and/or conflict and are potentially divisive. It is important that all sides are given the opportunity to make their views known and the role of the Chair can be crucial in managing a difficult situation. Depending on the circumstances, it may be useful to hear representations from prospective developers and from those that are either supporting or objecting to development proposals. It is important that equal opportunity is given to all sides and in these circumstances in relation to speaking time; number of questions asked etc.

9. GRANTS – ACCEPTABLE AREAS OF EXPENDITURE

When a Community Council is established, it may be awarded a start-up grant to cover initial administrative expenditure. In addition to this a Community Council, once established, will receive an annual administrative grant top up. Once the Community Council has been established the administration grant is paid annually, on submission of audited annual accounts covering all income and expenditure of the Community Council for the previous financial year, minutes, and current bank statements.

The purpose of the administrative grant is to cover the costs in administering Community Council business. Examples of such costs are detailed below:

- Advertising/general publicity and promotional activities
- Accommodation/lots
- Auditors fees
- Consultation with the community
- Data protection registration (ICO)
- IT software/hardware/website construction and maintenance
- Photocopying/printing
- Stationery
- Postage
- Production and circulation of minutes, agenda and annual reports
- Subscriptions
- Telephone costs/ISP costs/ Internet Service Provider
- Travel costs
- Expenses for attending ceremonies
- Subsistence
- Purchase of a Wreath

- Donations to Groups (max £150)
- Honorarium

The £150 can be split between a number of groups, however the maximum is £150.

This list is not exhaustive and enquiries regarding acceptability of items other than those noted above should be referred to Senior Communities Officer, Thriving Communities.

Community Councils may generate income from sources other than the local authority. This income may also be applied towards expenditure; it does not affect the grants awarded by the local authority. The accounts of the Community Council will however disclose all income from whatever source it is obtained and will show all expenditure even where it is not simply the expenditure of the local authority grants. Where an application is made to the local authority for grant assistance, the whole financial circumstances of the Community Council will be considered to establish free and committed funds before the application for grant assistance is dealt with by the local authority.

9.1 **Accounting Procedures - Cash**

Each Community Council should have a physical or electronic record of all income and expenditure. The date, description, amount, and receipt number should also be recorded.

The Community Council should nominate three unrelated office bearers to act as signatories to the Community Council bank accounts. All cheques and withdrawals should require two from three signatures. Any changes to authorised signatories should be approved by the Community Council. Where a Community Council uses online banking, it may not always be possible for two or three people to authorise payments, so permission should be noted alongside the record of the payment itself or in the minutes of the meeting where it was discussed and agreed.

The level of cash held should not be excessive and should be in proportion to the monthly expenditure

All income received should be banked and should not be used to directly meet expenditure. If funds are required for incurred expenditure, they should either be paid by cheque or bank transfer or alternatively cash should be withdrawn from the bank.

Once a banking has been made the stamped bank pay-in slip should be retained and checked against the bank statement or bank book to ensure that the income has been credited correctly. If using online banking, a screenshot of the payment or an electronic copy of the statement should be generated to act as a check and record.

9.2 **Accounting Procedures – Expenditure**

All expenditure must be approved and minuted in advance by the Community Council.

All expenditure must be accompanied by proof of purchase, either an expenditure voucher or receipted invoice.

Receipts should be given a sequential number and filed accordingly.

Details of the expenditure should be recorded in the cash book as soon as the expenditure is incurred. Where a receipt is not available, the person making the purchase should complete a form stating the nature of the expenditure. The form should be authorised by a member of the Community Council committee.

A current account will normally be used for day-to-day transactions with a further deposit and/or saving account, as required, so that interest may be attracted on accumulated funds.

The treasurer should await the bank statements and once received should carry out a bank reconciliation to ensure that the bank balance agrees with the balance recorded in the cash book. All bank statements should be retained.

Where petty cash is issued all petty cash vouchers should be signed by the person requesting the money and countersigned by the treasurer or other authorised signatory - this must not be the person who is requesting the expenditure. All receipts for items of expenditure should be retained and attached to the appropriate petty cash voucher.

Reimbursement of travel expenses should only be available to persons on official Community Council business. Claimants should submit a detailed record of dates, times, destination, reason for travel and mode of transport. Reimbursement of travel expenses (for example bus, taxi, train, parking fees etc) should only be awarded if accompanied by an appropriate receipt.

If the Community Council requires telephone calls to be made, reimbursement of expenses can be made at the discretion of the Community Council. The person making the claim should submit the itemised telephone statement highlighting the calls claimed. Reimbursement will be authorised by the Community Council.

9.3 **Accounting Procedures - Annual Accounts**

The following paragraphs merely reinforce income and expenditure matters dealt with earlier in this guideline.

An annual income and expenditure statement of all accounts including all income and expenditure must be prepared at the end of the Community Councils' financial year and must be examined by a person unconnected with the fund. The independently examined accounts must be presented to the Community Council and in course a copy passed to the local authority officer.

An example of an annual income and expenditure statement is detailed in the attached Appendix 10 All the information within the account is fictitious and used only as a guide on how to prepare accounts.

9.4 **Accounting Procedures – Inventory**

The Community Council must maintain an inventory detailing all the assets of the Community Council. The inventory should be updated on an ongoing basis for additions and deletions.

10. **THE PLANNING SYSTEM AND THE ROLE OF THE COMMUNITY COUNCIL**

This section provides a brief introduction to key aspects of planning, as Community Councils play a valuable role within the planning system. A number of links are included to help enhance understanding and knowledge that may be useful for Community Councils.

The planning system is a devolved matter. The Scottish planning system is overseen and operated by Scottish Ministers and planning authorities in Scotland, which are the 32s and two national park authorities. The planning system is about creating better places and taking decisions on the infrastructure that is needed and assets to be protected for the benefit of future generations.

The planning system improves places through identifying the types of development that should be supported. Development is defined in the planning act as “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”. This could be a new building or a change to an existing building, for example change of use from a house to a shop.

Community Councils are most likely to be involved in representing their community's views in the preparation of Local Development Plans (LDPs) and commenting on planning applications. Particular attention should be given to providing an input into Local Development Plans as they form the basis of all decisions made on planning applications.

Further information about the planning system is available from the Scottish Government website. <https://www.gov.scot/policies/planning-architecture/>

Key Terms used in this document:

- Appeals – the process of challenging certain decisions.
- Enforcement – investigating development that may not have relevant permission or may not accord with permission in place.
- Engagement – including people and organisations in the planning system.
- Development Management – the process of deciding whether to grant or refuse development proposals.
- Development Plan – this is the National Planning Framework 4 and the Local Development Plan. The development plan forms the basis of decision making on planning applications.
- Local Development Plan – sets out where development should and shouldn't happen in the places they cover. Prepared by planning authorities.

Commented [MJ1]: The points in green taken from the Scottish government guidance are much better laid out than the red

- National Planning Framework 4 – a long-term plan for Scotland setting out where development and infrastructure is needed and contains national planning policies. Prepared by the Scottish Government.
- Permitted Development Rights – a range of development that may be undertaken without a planning application being needed.

10.1 **Legal framework**

The planning system operates within Town and Country Planning (Scotland) Act 1997 (as amended, most recently by the Planning (Scotland) Act 2019).

The planning system in Scotland is plan-led. The law says that decisions on planning applications are to be made in accordance with the development plan, unless material considerations indicate otherwise.

10.2 **Planning Policy**

National planning policy is contained within National Planning Framework 4 (NPF4). It also sets out a spatial strategy for Scotland's long-term development. Local planning policy may be found in the Local Development Plan.

The vision of NPF4 is to give priority to the climate emergency and nature crisis. It signals the key priorities for 'where' and 'what' development should take place at a national level and is combined with national planning policy on 'how' development planning should manage change.

NPF4 is part of the Development Plan (See 'Development Planning' section). Because of this there is no need to repeat those policies in LDPs. Therefore, there is an expectation LDPs will be focused on showing (including through maps) the spatial implications of national policy for different places. It is anticipated that limited policies and written text will be needed in LDPs.

Policy advice on implementing planning legislation (either the Act or secondary legislation and regulations) can also be found in Planning Circulars or guidance.

10.3 **Development Planning**

The Development Plan is formed of the National Planning Framework and the Local Development Plan (LDP) for the area. Development Plans set out how our places will change into the future, including where development should and shouldn't happen.

LDPs should consider the ambitions and outcomes for an area, looking 20 years ahead. It is expected that LDPs will be focused on showing the spatial implications of national policy for different places. LDPs identify sites for development as well as those that should be protected.

Community Councils should pay particular attention to inputting their community's views into the preparation of Development Plans. This is because the Development Plan will form the basis of all decisions made on planning applications. (See 'Development Management' section).

Community Councils should be aware of the Development Plan Scheme, which is published by the planning authority annually and sets out the programme for the preparation of the Local Development Plan. It will include a Participation Statement that highlights ways that people, and Community Councils can get involved.

Development Plans are reviewed on a ten-year cycle. However, with the adoption of National Planning Framework 4, it is anticipated that all planning authorities will have a new Local Development Plan in place by 2028.

Community Councils will be able to contribute to a variety of stages of the Local Development Plan preparation, including the evidence report and proposed plan.

Community bodies are now able to prepare Local Place Plans. These enable community aspirations for their place to be set out. Where available and registered these will be taken into account by the planning authority in the preparation of the Local Development Plan. Community Councils may also be community bodies for the purposes of Section 19 of the Community Empowerment (Scotland) Act 2015 but should confirm whether that is the case before starting to prepare a Local Place Plan.

Further guidance is available:

Local Development Planning Guidance 2023 (weblink to follow)
Circular 1/2022: Local Place Plans
<http://www.ourplace.scot/>

Development Management Development management is the process of deciding whether to grant or refuse planning permission and other related consents. Planning applications may be approved, approved with conditions, or refused. Primary responsibility for dealing with planning applications and local planning matters rests with the local planning authority.

Decisions on planning applications are made in accordance with the Development Plan and relevant material considerations. The planning authority considers what 'weight' to apply to material considerations in making their decision. In reaching a decision on a planning application, the planning authority is expected to have regard to all material factors, including consultee views and representations submitted to them.

Material considerations are things that essentially are relevant to the application being made and relevant to planning. For example, littering isn't generally controllable through the planning system so isn't likely to be a material consideration, while additional noise from a particular type of new use is potentially controllable through the planning system so could be a material consideration.

Scottish Ministers have a general power to call in any live planning application or appeal for their own determination. In practice though, Ministers will exercise this power sparingly, and only where issues of national importance are raised,

recognising, and respecting the important role of local authorities in making decisions on the future development of their areas.

There are different types of planning application, including applications for:

- Planning permission (some-times known as 'full' planning permission, and all the details of the proposal are included)
- Planning permission in principle (considers the principle of development and full details of the development are not provided)
- Approval of matters specified in conditions attached to a planning permission in principle (which do not consider the principle of development but look at the details only). In addition, there is a hierarchy of developments for which there are different handling procedures for the associated planning applications:
 - National (defined by the National Planning Framework);
 - Major (Defined by the Hierarchy of Developments; and
 - Local (not National or Major).

The planning authority's Scheme of Delegation identifies which applications will be decided by officers of the authority and which will be decided by committee. For National and Major developments one procedural difference is that pre-application consultation (PAC) is required, including with the Community Councils whose area includes or adjoins the land for the proposal. The purpose of PAC is to give communities early awareness of proposals and an opportunity to engage with the prospective applicant, before the proposal is finalised for application. Though the applicant decides what the proposal in the application will be, this early engagement can help address potential concerns about a development.

The planning authority will send Community Councils in its area a weekly list of planning applications. These lists will likely cover the whole planning authority area, not just the Community Council area. Community Councils may request formal consultation on particular applications. Planning authorities will also directly consult with Community Councils on planning applications for development likely to affect the amenity of the Community Council area.

Community Councils can choose to provide comments in response to a planning application or not. Responses may be in support or objection to the planning application and must be made within the deadlines specified by the planning authority.

Where a site for development is allocated in the LDP this is to give confidence to communities and applicants about the anticipated use of the site. Planning applications that accord with the principle of the site allocation can be anticipated to be supported, subject to consideration of material considerations. For example, applications for business development on a site allocated for businesses in the LDP can be supported where material considerations are also considered to be acceptable.

Issues raised by comments made about planning applications are summarised in the Report of Handling prepared by the planning authority for the case.

Further information:

<https://www.gov.scot/publications/planning-circular-3-2022-development-management-procedures/>

Permitted Development

Rights Permitted Development Rights (PDR) refer to those types of development which are granted planning permission through national legislation, meaning they can be carried out without a planning application.

The legislation containing PDR is the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the GPDO”). PDRs are organised into a series of “classes”: each class specifies the type (or types) of development for which planning permission is granted. Most PDRs are subject to conditions and/or restrictions. These may, for example specify the maximum size or scale of what is permitted, restrict or dis-apply the rights in certain locations (e.g. conservation areas), or provide that the PDR only apply to certain developers (e.g. local authorities or statutory undertakers). If a developer cannot comply with the conditions and/or restrictions, then a planning application is required.

In some cases, PDR are subject to a process known as prior approval. This comes in various formats, some with a prior notification element, whereby the planning authority can decide whether its prior approval is even required in the case. Where prior notification applies, the developer must, before carrying out the development, apply to the planning authority for a determination as to whether specified aspects of the proposed development, such as its siting and design, require approval. If they do not, or if they fail to respond in the specified period for prior notification, the applicant can proceed in accordance with the details as submitted.

Where prior approval is required, it can be granted, granted with conditions or refused by the planning authority.

10.4 **Enforcement**

Where development is undertaken without the required planning permission, or where the development does not match the permission granted (including complying with any conditions attached to the consent) that development is in breach of planning control.

Planning authorities are responsible for investigating alleged breaches of planning control in their areas and, if they consider that a breach has indeed occurred, may take enforcement action to resolve the breach. Generally, planning authorities will seek to resolve breaches through discussion with the responsible person(s) in the first instance. However, where this does not resolve the matter, or the breach is considered significant, they may proceed to use formal powers to resolve the matter.

Formal enforcement powers range from requiring a retrospective planning application, to requiring that unauthorised development ceases, or even that unauthorised buildings or structures be removed. Use of any formal enforcement

powers is at the discretion of the planning authority and is required to be proportionate to the scale of the breach.

All planning authorities are required to publish and maintain an enforcement charter. This sets out the powers available to the planning authority, how the authority investigates and takes enforcement action, and how suspected breaches of planning control can be reported to the authority.

Further Information:

Circular 10/2009: Planning Enforcement

Appeals

There is a right to appeal to Scottish Ministers against certain decisions made by planning authorities. This includes planning, listed building and advertisement consent appeals as well as notices served by council's including enforcement and amenity.

Applicants for planning permission may appeal the refusal of a planning application, conditions imposed on a planning permission or where a decision has not been issued within a set timescale.

Not all appeals will be to Scottish Ministers. Depending on the type of application (National, Major, or Local), and how it was originally determined (delegated to officers or considered by elected members) the appeal could be considered locally by a Local Review Body (local developments delegated to an officer for decision) or by Scottish Ministers, frequently delegated to an appointed 'Reporter'. Planning applications for local developments which are decided by planning officers rather than the planning committee should be made to the planning authority's Local Review Body.

Further Information:

<https://www.gov.scot/policies/planning-environmental-appeals/>

<https://www.gov.scot/publications/planning-circular-3-2022-development-management-procedures/>

<http://circular%204/2022:%20Planning%20Appeals>

<https://www.gov.scot/publications/planning-series-circular-4-2013-planning-appeals/>

Methods of engagement Community Councils are well placed to engage with communities to understand their aspirations for their area and don't have to wait for the formal process of the Local Development Plan or planning application to do so. A variety of tools are available that can be used by communities to discuss their place. The Place Standard Tool helps communities to have structured conversations about their area, and use of the Place Standard is encouraged to inform the preparation of Local Development Plans.

Further information: www.ourplace.scot

Planning Guidance National guidance on a variety of planning system topics is available from the Scottish Government website, frequently but not exclusively published as Planning Advice Notes.

Locally produced guidance may also be published on planning authority websites.

Further information:

Scottish Government Planning and Architecture website - Guidance

Other useful information:-

PAS – Independent advice and training on planning and environmental matters and encourages public engagement in planning.

Improvement Service – Supporting improvement national programmes, resources, capability and capacity.

Scottish Government Planning, Architecture and Regeneration Division web page for Regeneration

Transforming Planning - Scottish Government's web page for planning system reform.

OurPlace - Information, tools and resources to help support the development

11. **LICENSING**

Introduction

Community Councils have a statutory right to be consulted on licensing under section 21 (1) b of the Licensing (Scotland) Act 2005, which places a duty on Licensing Boards to notify the Community Council of all applications they receive for premises licences. This is a new duty and a change from what was previously provided for in the Licensing (Scotland) Act 1976.

Licensing Boards are encouraged to consult widely within their respective areas and the 2005 Act ensures that:

- Licensing Boards are required to notify the Community Council of any new premises licence application or application to substantially vary how a premises operates
- Community Councils are able to object or offer representations to an application and request Licensing Boards hold a hearing to review a licence if it is operating outwith the premises licensing conditions or the licensing objectives
- Local authorities employ a Licensing Standards Officer whose duties include mediating with licensed premises to try and solve problems including those raised by Community Councils

- Licensing Boards are required to involve people resident in the locality in consultation on a Board's Licensing Policy Statement or overprovision assessment, which could include reference to how it intends to involve Community Councils in Licensing Board matters.

The Scottish Government issued statutory guidance to Licensing Boards under Section 142 of the 2005 Act and this guidance is frequently referred to as "Section 142 guidance". However, it is recognised that the Guidance cannot anticipate every possible scenario that may arise. Licensing Boards may therefore depart from the Guidance if they have reason to do so but must give the Scottish Ministers notice of the decision together with a statement of reasons for it.

11.1 **Regulatory Panel (Civic Government (Scotland Act) 1982)**

The Regulatory Panel of South Ayrshire Council deals with licence applications for

- Taxis and Private Hire Cars and Drivers
- Booking Offices
- Late Hours Catering
- Public Entertainment
- Street Traders
- Houses in Multiple Occupancy
- Tattoo and Skin Piercing
- Second Hand/Metal Dealers
- Market Operators`
- Knife Dealers
- Theatres
- Cinemas.

(the above list is not exhaustive but covers the main licence applications made). For further information please visit: <https://www.south-ayrshire.gov.uk/licensing/>

- 1.1 No list of competent objectors is given in the 1982 Act and no special status is given within the Act to Community Councils.
- 1.2 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.
- 1.3 The Regulatory Panel will only consider objections or representations if they:-
 - are in writing;
 - specify the ground of the objection;
 - specify the name and address of the person making the objection or representation;

- are signed by him/her or on his/her behalf;
 - 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.
- 1.4 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.
- 1.5 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.
- 1.6 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.
- 1.7 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.
- 1.8 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.
- 1.9 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.
- 1.10 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.
- 1.11 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:

- 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;
- 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;
- 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 of 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.

2. **At the Hearing**

- 2.1 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.
- 2.2 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.

3. **Decision**

- 3.1 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.

3.2 Written objections and requests for statements of reasons should be sent to:

Licensing
County Buildings
Wellington Square
Ayr
KA7 1DR

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

12. EQUALITY, DIVERSITY AND COMMUNITY COUNCILS

The purpose of this section is to ensure Community Councils are aware of the general responsibilities relating to equality and diversity and how they can play an important role in promoting and supporting equality in the community.

12.1 Public Sector Equality Duty

Community Councils are subject to the Public Sector Equality Duty (PSED) under Section 149 (2) of the Equality Act 2010 which states “A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1)” which states:

A public authority must, in the exercise of its functions, have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Section 149 of the Equality Act 2010 is available here: [Equality Act 2010](#)

The PSED replaces the race, disability, and gender equality duties. The PSED applies to the ‘relevant protected characteristics’ – age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex, and sexual orientation and, to a more limited extent, to the protected characteristic of marriage and civil partnership.

The Equality and Human Rights Commission (EHRC) are the enforcement body, and it is their responsibility to provide guidance on the Equality Act 2010 and the PSED.

A link to their technical guidance on the PSED in Scotland is available here: [Technical guidance on the Public Sector Equality Duty: Scotland](#) How can Community Councils help promote equalities in their areas?

makeup of the area – how many people of different races, with disabilities or of different genders live in the area

make sure that any advertising is accessible to all, and that meetings take place in accessible buildings at times that suit everyone.

Try to engage ‘under-represented communities’ – help to do this is available from your Community Council liaison officer or your local council for voluntary service run local events in partnership with local equality groups, e.g. ethnic groups, disability, and other community groups

always consult about how any plans would affect all members of the community

act in an inclusive manner when inviting speakers from ethnic, disability and community groups to discuss difficulties they are experiencing in the community with the Community Council

13 DATA PROTECTION

The Data Protection Act 2018 (alongside UK GDPR) governs the use of personal data, which ensures the fair and proper use of people’s information and their right to privacy. 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. Good practice in data protection is vital to building public trust in the organisation.

13.1 Personal Data and Sensitive Personal Data

Special rules govern the processing of sensitive personal information

“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 is not personal data.

“Sensitive personal data” means information regarding such things as an individual’s racial or ethnic origin, political or religious beliefs, physical or mental health and sexual life. This is Special Category data and requires additional protection under data protection law. 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).

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. A data controller is the organisation that determines

the purpose, reason and means of processing data. The data controller has overall control and ownership of the data. Further information on processing personal data can be found on the ICO website: [Lawful basis for processing](#)

The Act applies to personal data, which is held in any kind of storage system, whether electronic or manual.

13.2 **The Data Protection Principles**

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

- Principle 1: Data must be processed fairly, lawfully, and transparent
- Principle 2: Purpose Limitation Data must be obtained for one or more specified and lawful purposes, and must not be processed in any manner incompatible with those purposes
- Principle 3: Data Minimisation - data must be adequate, relevant, and not excessive
- Principle 4: Accuracy - data must be accurate and kept up to date
- Principle 5: Storage Limitation - data must not be kept longer than necessary
- Principle 6: Accountability - data must be processed in accordance with the data subject's rights
- Principle 7: Integrity and Confidentiality (security) - appropriate technical and organisational measures must be taken against the data's unauthorised or unlawful use and their accidental loss, damage or destruction

13.3 **Data Subjects' Rights**

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

To be informed that their personal data is being processed by the data controller

To be given access to their personal data

To require their personal data not to be used for direct marketing purposes

To require the data controller to stop any processing of their personal data which is causing substantial and unwarranted damage or distress

13.4 **Contravention of the Act**

Data breaches must be reported to the relevant supervisory authority (the Information Commissioner's Office) within 72 hours of becoming aware of the breach. If the breach is high risk, affecting individual rights and freedoms then the individual must be informed immediately.

A robust means of detecting breaches, with investigating and reporting procedures should be in place. All breaches should be recorded whether they need to be reported to the supervisory authority.

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.

Compensation may be payable to any person who suffers damage and distress because of a contravention of the Act. Such compensation is awarded by the Court.

South Ayrshire Council is required to provide information for all Community Councillors of what South Ayrshire Council do with your information which has been, or will be, supplied when a formal Community Council Nomination Form is submitted to South Ayrshire Council i.e.

1. South Ayrshire Council will electronically and securely hold supplied information of Community Councillors because this is necessary for the Council to carry out its functions under the provisions of the Local Government (Scotland) Act 1973 which supports the establishment of Community Councils.
2. A privacy statement is provided alongside the nomination form for all prospective Community Councillors. The publication of limited information on South Ayrshire Councils Website is in line with the content of this statement. Any additional information will only be published with the agreement of the individual.

The Privacy Statement pertaining to Community Councils and current / prospective Community Councillors within the South Ayrshire Council boundary is included for your information as Guidance Appendix 4. A copy of this Privacy Statement is also included on South Ayrshire Council's website.

In addition to the South Ayrshire Council Privacy Statement pertaining to Community Councils included at Guidance Appendix 4; there is also a template for Community Councils to consider in relation to any information and/or data that they may hold or process. Which is Appendix 5.

All Community Councils must register with the ICO (Information Commissioners Office) and pay a registration fee. The cost will depend on potential membership of the Community Council. This can be done via <https://ico.org.uk/for-organisations/data-protection-fee/self-assessment/>

13.5 **The Information Commissioner**

The role of the Information Commissioner is to uphold information rights in the public interest, and is located at 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 [Information Commissioner's Office](#) Advice can also be obtained from the ICO's Scottish office in Edinburgh at Scotland@ico.gsi.gov.uk or 0131 225 6341 (The Information Commissioner should not be confused with the Scottish Information Commissioner, who enforces the Freedom of Information (Scotland) Act 2002.)

13.6 **Notification to the Information Commissioner**

All data controllers are obliged by the Act to notify the Information Commissioner of the classes of personal data which they are processing, the purposes for which they are processed and the recipients to which the data may be disclosed. Community Councils only need to notify if personal data are processed electronically. This information is included in the Commissioner's Register of Notifications, which is open to public inspection. Unless within an exempt category, it is a criminal offence to process personal data without first notifying the Commissioner. It is likely that only a few Community Councils will be covered by an exemption.

13.7 **Complying with the Data Protection Act**

Community Councils must comply with the Data Protection Act because they process personal data as defined under the Act. For example, it is likely that the Secretary of Community Councils will hold electronic records of contact details of its members, of some residents and of elected members or employees of the local authority. These may be within databases, Minutes of meetings or in correspondence.

To comply with the Act, Community Councils should take the following steps:

Nominate someone (e.g. the Secretary) as the person responsible for data protection.

If collecting personal data from individuals, you should explain the purpose for which the data is being collected as well as giving them the name of the Community Council and the name of the person nominated as being responsible for data protection.

Ensure that personal data are properly protected – if data are stored electronically, ensure that they are password-protected and (in sensitive cases) encrypted. If they are stored manually (e.g. a paper filing system), ensure that the files are kept in a secure place.

Ensure that personal data are never disclosed to any unauthorised third party, whether accidentally or on purpose. Do not discuss personal issues in public or leave papers or computer files unsecured at home.

Periodically review the personal data that are held, making sure that they remain accurate and up to date – where necessary dispose of or shred data that are no longer needed.

VERY IMPORTANT: notify the Information Commissioner of the personal data which are being processed, the purposes for which they are processed and the recipients to which the data may be disclosed. It is a criminal offence to process personal data without having first notified the Commissioner.

Before notifying, identify what personal data are held and who the data subjects are; ascertain the purposes for which the data are to be used; identify where and how the data are stored or recorded. This will assist in completing the notification template.

Notification can be done online at the Commissioner's website by going to:

[For organisations | ICO](#) and then by following the step-by-step directions given there. The website includes standard templates for different types of organisations, including a set of local and central government templates; this includes, in turn, standard template N958 – Scottish Community Council. By clicking on that template, the standard classes and uses of personal data for Community Council are automatically included in the notification. Check the details and modify the form before printing it off, signing and posting to the Commissioner.

Alternatively, a Community Council may send the required information, as shown below, to notification@ico.gov.uk and ask for a template for a Scottish Community Council to be completed. The Information Commissioner's Notification Department will then provide a draft for the Community Council to approve/amend as necessary.

Community Councils can also phone the Information Commissioner's Notification Helpline on 01625 545 740 and ask for a draft template for a Scottish Community Council to be completed. The required information (as shown below) should be given over the phone.

The information needed is as follows:

- Community Council name
- Community Council address
- Contact name and role in the Community Council (i.e. Chair/Secretary/Treasurer)
- Contact address
- Contact telephone number
- Contact e-mail address

13.8 **Insurance Policy**

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. As such, Community Councils are responsible for ensuring that they have adequate insurance arrangements in place. Guidance should be sought to determine specific insurance requirements. This will include, but is not limited to, public liability. Other insurances may be required for property, equipment, or special events such as fetes, gala days, firework displays etc.

Bespoke Insurance Policies, designed to reflect typical Community Council activities, are available and can be purchased by Community Groups. Any Policies purchased by Community Councils must be organised directly with the Insurer, however South Ayrshire Council will only meet costs where they relate to the cover for a Standard Public Liability Policy. Alternatively, Community Groups are free to seek advice from a registered Insurance Broker.

Please note;

Community Councils are currently constituted as unincorporated bodies, and as such do not have limited liability status. It should be noted that any insurance policy purchased may not include Indemnity Insurance i.e. providing legal exemption from penalties incurred through a Community Councillor's acts or defaults; the responsibility for a Community Councillor's actions and words lies solely with the individual. It should be made clear that Community Councillors should show due diligence with their individual and collective conduct, (see Community Councillors Code of Conduct Scheme Appendix 3) use of social media etc. in the same way that they would personally. If the conduct of a Community Councillor is such that grounds are raised and substantiated by undisputable evidence for someone to consider a lawsuit, the onus is on Community Councillors to explain themselves.

All Community Councils are advised to confirm with their insurer that any extra-curricular activities i.e. activities out with of regular meetings, are satisfactorily covered by the insurance policy purchased before proceeding. Community Councils have a duty to inform their Insurer of any changes which might affect their cover or require additional cover to be put in place.

Any queries regarding insurance cover should be directed in the first instance to communitycouncils@south-ayrshire.gov.uk

13.9 **Training and Development of Community Councils**

Training may be provided in-person or online by the local authority. There is also a training portal available on the Scottish Community Councils website, which gives community councillors free access to Open University courses on range of useful subjects.

The aim of training and development is to enable community councillors to develop their individual skills, build their capacity to engage with public agencies and acquire new skills. This will enable each member to participate as fully as possible in the work of the Community Council, bringing added benefit their communities.

Basic training needs can include roles and responsibilities, policy and procedure, licensing, planning and other relevant topics. Specific training needs can include chairing meetings, keeping financial records, and writing minutes. Training must be delivered and targeted at the needs of the individual or the Community Council as a whole. Training could be delivered by:

- Senior Communities Officer
- Individual local authority departments such as planning.

- Outside agencies such as third sector interfaces (TSI), Scottish Community Development Centre (SCDC), Planning Aid Scotland and the Scottish Community Councils project managed by the Improvement Service
- Community Councils themselves through peer support

Improving and encouraging youth membership

Ever since they were established, many Community Councils have struggled to attract and sustain the involvement of young people. The Scheme allows for young people aged over 16 to become full community councillors, with full voting rights, which has gone some way towards addressing the difficulties in attracting young people to the role. Community Councils may also allow young people under the age of 16 to become associate members, but this should be done by working with local schools to ensure child protection issues are adhered to.

Article 12 in the United Nations Convention for the Rights of the Child (UNCRC) states that young people who are capable of forming their views, should have the right to express these views freely: <https://www.cypcs.org.uk/rights/uncrc/articles/article-12/>

The Scottish Parliament passed the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill in 2020, with the aim of enshrining UNCRC principles into Scots law. However, the UK Supreme Court ruled that certain aspects of the UNCRC Bill were out with the powers of the Scottish Parliament, which means that the Scottish Government has to find a way to bring the UNCRC Bill within their powers so it can become law in Scotland.

There are number of organisations in Scotland which can provide help and guidance to Community Councils who want to increase youth involvement, as well as contacting local schools and the local authority.

Youth Scotland: <https://www.youthscotland.org.uk/>

Youthlink Scotland: <https://www.youthlink.scot/>

Scottish Youth Parliament: <https://syp.org.uk/get-involved/join-us/>

Young Scot: <https://young.scot/>

Children and Young People's Commissioner Scotland: <https://www.cypcs.org.uk/>

Children's Parliament: <https://www.childreparliament.org.uk/>

Scottish Alliance for Children's Rights: <https://www.togetherscotland.org.uk/>

Community Councils can stimulate young people's interest by promoting their elections amongst youth groups, pupil councils and student associations all of which are likely to have young people who may be interested in getting involved in the local democratic process. Local authorities are responsible for promoting active citizenship as part of the school curriculum and this should be linked to the Community Council election process.

Community Councils may also want to consider appointing young people as associate members without voting rights, for the specific purpose of representing young people's views.

Community Councils also need to consider how they will ascertain and represent the views of young people. If this cannot be achieved in the direct ways described above, then Community Councils can work in partnership with the local authority and other agencies that have direct contact with young people to gather their opinions.

13.11 **Why have a Community Council Forum?**

A Community Council Forum can be a support group for all Community Councils within a local authority area - particularly those who are newly established - providing an informal source of knowledge and experience. It can also enable its constituent members to exchange information, and to identify common issues. By working together, Community Councils can amplify their voices and advocate more effectively for their neighbourhoods. Joint forums can also facilitate communication and build relationships between different community groups, helping to create a more cohesive and connected community. Forums can provide a channel for Community Councils to act together.

14. **Community Council Forums**

The typical aims of a Community Council Forum are:

- Promote the role, effectiveness, and status of Community Councils
- Facilitate communication and collaboration between different Community Councils
- Share information and resources about local issues and concerns
- Enhance the capacity of Community Councils to effectively represent their neighbourhoods and address local concerns
- Be a voice for Community Councils within a local authority area
- Provide a forum for discussion of matters of common interest to Community Councils
- Consult with representatives of Community Councils in other areas on matters of mutual interest
- Promote civic engagement and participation in local government in partnership with the local authority and other public agencies
- Identify opportunities for joint initiatives or projects that can improve the quality of life in the community.
- Foster a sense of community and belonging among residents
- Provide a platform for residents to voice their concerns and have their voices heard by local decision-makers

14.2 **Media & Publicity – do we need as much**

Press release

From time to time, you may want to issue a press release stating the Community Council's views or clarifying facts. This is particularly important when a controversial issue divides the community or when, in the opinion of the Community Council, their discussions have been either incompletely reported or misrepresented in the media.

When you are dealing with someone from the Press it's likely that they will make a quick assessment to determine what happens to the information that you have sent them. By giving your information, a 'human interest' theme, it may be possible to get the coverage you are looking for...

For example, if you wanted to publicise a fundraising event in your community you might simply pass details of the event over to a local paper. Alternatively, you might write a short article focusing on someone who will really benefit from the fundraising. If you choose the first option, the newspaper may not run it or it's likely that the information will be tucked away in a corner of the paper where it may not be noticed. If you choose the second option, you may find that a lengthy article appears.

The primary concern of the Press is to sell newspapers and that means providing news and information that people will want to read. So, try to make sure that you are providing material that will interest people as well as simply informing them.

Perhaps the best way to interest the Press is to issue a 'Press Release', which at its most effective is probably a page of A4. It can be issued to both local and regional newspapers and on occasion may interest national papers. Don't forget local radio and television stations.

You should also keep in mind that reporters have the power to edit news items. In practice, this means they can put emphasis on particular words or events that you may not have intended, and your message may end up distorted. The solution is to try to ensure that you choose your words carefully; knowing that anything you say could end up as a headline. It is not difficult to make the headlines in a local paper, but it's sometimes difficult to live with the headlines that you make!

Try to remember the constraints that local newspapers work under. They have tight deadlines to meet, so make sure that you submit your press release in plenty of time. They also appreciate information and articles that can be printed without a lot of cutting and reorganising, so try to make sure that the information you provide is to the point.

14.3 **Press enquiries**

As a Community Councillor, someone from the press may approach you at some point looking for a story. If this happens, take your time, and think about what you want to say, don't let yourself be rushed.

Remember, you can always say you will get back to the reporter with a comment, or email them through a statement, which gives you a chance to think. It's sometimes better to say nothing, than say something you may regret later.

14.4 **Public meetings**

The press will often attend public meetings. This is a great way to fill their newspaper with local interest stories. You should always be aware that the press might be at your meeting; if you say something at a public meeting, the press has every right to print what you say.

They could also ask a question at your meeting in which case; they should identify themselves as a member of the press. However, that doesn't always happen, so it is best to be cautious.

If you are asked a question by a reporter and you don't know the answer, don't try to bluff it. Be honest and say you don't know; you can always get back to them.

14.5 **Handling Press interviews**

If a reporter is interviewing you, be careful about what you say. It's easy to be caught off guard and to say something that you didn't really mean. Be very wary about 'off the record' comments because these may end up being attributed to you.

The best approach is to think about what you want to say before the interview starts. Ask the reporter in advance about their questions and think about your responses. Try to be clear about what sort of message you want to convey by preparing five or six key points and sticking to them. Remember, you may want to check with the Chair or Secretary before you commit yourself to doing an interview.

14.6 **Social media**

The press likes to trawl social media looking for a story, so be aware. Think before you issue anything even in a closed group, as it may become public. If you are putting information out on social media, particularly on a contentious issue, have a think about what you would say to the press if they contact you about it.

14.7 **Using social media & Creating Websites**

Social media is a part of our culture now, and it's important to take advantage of these new mediums.

Facebook Pages are essentially profiles for organisations. A 'Page' allows your Community Council to have a public Facebook presence, which is visible on search engines such as Google, and can act as an extension of your own Community Council website;

Gmail is Google's free Web and cloud-based email service. Gmail offers more than 10GB of free storage with the ability to upgrade to a larger storage capacity on demand. Gmail offers spam protection, phone calling, searching, chat for your Community Council. It is simple to configure for use;

Good practice includes maintaining continuity when office bearers change. This may include using shared or generic email accounts, agreed handover arrangements, and secure storage of Community Council records and digital files.

Scottish community council websites are classed as 'Public Sector', meaning that they need to comply with recent accessibility regulations. For community councils, compliance may mean no more than having to include an accessibility statement on the website so that they have contact details for someone if they encounter a problem with the site, e.g. a visually impaired user may find their reader can't access some published documents

Social media such as Twitter, Facebook, Google+, YouTube and blogging represent a growing form of communication, allowing engagement with your community and the public more easily than ever before.

However, it is also an area in which rules and boundaries are constantly being tested. Putting a policy in place for the appropriate use of social media to increase engagement, can also protect your reputation.

The Community Council should nominate a Communications Officer to co-ordinate and manage social media content on behalf of the Community Council. The Communications Officer will oversee expansion of social media although all passwords and access should be shared amongst at least 3 members of the Community Council – but remain accessible by all members should this be required.

Members and volunteers may, from time to time, and where appropriate, post on behalf of the Community Council using the organisation's online social media profiles. This should only be done with the express knowledge and authorisation of the Communications Officer (who has been granted delegated authority by the Community Council, and which has been clearly minuted within the formal approved Community Council minute).

The reputation of the Community Council is first and foremost, and this involves maintaining a safe and friendly environment for its members. From time-to-time social media forums may be hijacked by trolls or spammers, or attract people who attack other contributors or the organisation aggressively. In order to maintain a pleasant environment for everybody, these posts need to be moderated and/or removed if deemed appropriate to do so.

15 DECISION TO AMEND A SCHEME

There can be several reasons for a local authority to consider the amendment of their Scheme, most commonly a changing local landscape or demographic shifts. The following provides step by step actions to take:

1. A Special Council meeting (please note that all the Council meetings referred to in this section should be Special Council meetings, held for that purpose. The most common mechanism for this is that the Special Council meetings are held immediately before the calendared Council meetings considers a report on the intention to amend its Scheme for the Establishment of Community Councils under Section 53. - (1) of the Local Government (Scotland) Act 1973.

2. Upon approval of the report, a Public Notice is published in the local Press to that effect, within at least, eight-week consultation period for any representations to be made on the: **'draft amended areas and composition of the Community Councils'**.
3. A Special Council meeting considers a report on the outcome of the consultation exercise on the draft amended areas and composition of the Community Councils and the contents of a proposed draft amended Scheme.
4. Upon approval of the report, a second Public Notice is published in the local Press to that effect, with an at least eight-week consultation period for any representations to be made on the: **'draft amended Scheme'**.
5. A Special Council meeting considers a report on the contents of a draft amended Scheme and its adoption.
6. Upon approval of the report, a third Public Notice is published in the local press to that effect, with a commonly four-week consultation period for any final representations to be made on the draft amended Scheme, together with associated documents, including Community Council boundaries.
7. A Special Council meeting considers final representations and agrees the 'Amended Scheme for the Establishment of Community Councils'.
8. A fourth Public Notice is published **'of the Scheme in its amended form together with Public Notice of such a Scheme as it applies to each proposed area, by exhibition in that area, and any such notice shall contain an invitation to electors in the area concerned (*where there is currently no Community Council established) to apply in writing to the local authority for the establishment of a Community Council in accordance with the amended Scheme'**. The already established Community Councils operate as normal under the new Scheme until their new prescribed election dates come around.

Please note that there may be instances when a consultation period does not attract any or any substantive representations. However, as the legislation illustrates a staged approach to the process, the most common complete statutory review period would be an initial eight weeks, followed by a second eight-week period and finally four weeks for final consultation.

*No invitation to petition the Council for the establishment of a Community Council is required for currently established Community Council areas as the new Scheme would automatically come into force for them to continue as normal.

Key policy developments and useful resources

In recent years, there have been several policy developments which have an impact on the work of Community Councils and other community organisations. The information below is a starting point for Community Councils to help better understand the latest community empowerment tools and resources.

15.1 **Community Empowerment (Scotland) Act 2015**

The Community Empowerment (Scotland) Act 2015 provides a legal framework that promotes and encourages community empowerment and participation, by creating new rights for community bodies and placing new duties on public authorities. There are 11 policy parts in the Act coming into force at different times. The legislation is available here: [Community Empowerment \(Scotland\) Act 2015](#)

The following parts of the Act will be of particular interest to Community Councils.

15.2 **Community Planning**

Community Planning forms Part 2 of the Act and came into force 15 April 2016. It places community planning partnerships on a statutory footing and imposes duties on community planning partners around planning and delivery of local outcomes. Community planning is about how public bodies work together, and with local communities, to design and deliver better services that make a real difference to people's lives. Community Councils are not specifically mentioned in the Part 2 but will be one of the many key partners to influence and engage with the process. More information is available here: [Community planning - Improving public services](#)

15.3 **Participation Requests**

Participation Requests form Part 3 of the Act and came into force on 1 April 2017. Community Councils are listed as a Community Participation Body which is the term given to the group of people who can make a Participation Request to a Public Service Authority. If required, Participation Requests can help to start a dialogue and contribute to decision-making processes to improve outcomes. More information is available here: [Participation requests - Community empowerment](#)

Guides, tools and templates to make the most out of Participation Requests can be found on the Scottish Community Development Centre website here: <https://www.scdc.org.uk/participation-requests>

15.4 **Community Right to Buy Land**

Community Right to Buy Land forms Part 4 of the Act and came into force on 15 April 2016. It extends the community right to buy to all of Scotland and introduces a new provision for community bodies to purchase neglected, abandoned, or detrimental land where the owner is not willing to sell that land. Community Councils are not mentioned in the Act but will want to have an awareness and knowledge of this important piece of legislation. More information is available here: [Community right to buy - Land reform](#)

15.5 **Community Asset Transfer**

Asset Transfer forms Part 5 of the Act and came into force on 23 January 2017. Eligible community bodies named Community Transfer Bodies, can request to buy, lease, or have other rights in land, including buildings or other structures on land, which is owned or leased by Relevant Authorities. Due to the composition of

Community Councils, they are not listed as an eligible body in the Act. However, Community Councils are uniquely placed at the centre of their communities and can play a key role by giving Community Transfer Bodies advice on the wider aspects of community priorities or local plans. More information is available here: <https://www.gov.scot/policies/community-empowerment/asset-transfer/>

Expert advice and support is provided by the Community Ownership Support Service (COSS) and more information is available here: [About COSS | DTAS Community Ownership Support Service](#)

15.6 **Common Good**

Common Good forms Part 8 of the Act and came into force on 15 April 2016. It places a statutory duty on local authorities to establish and maintain a register of all property held by them for the common good and publish their proposals. The Act requires that local authorities consult with the local community when it is planning to dispose of Common Good property or change its use and Community Councils are listed in the Act at Section 105 (5). More information is available here: Common good property: statutory guidance for local authorities.

In addition to the above, there are several other ways out with legislation that Community Councils can play a key role in either participating directly, or by providing support for local community initiatives. Examples are as follows:

15.7 **Participatory Budgeting**

Participatory budgeting (PB) is an internationally recognised democratic tool, which enables local people to have a direct say on how public money is spent. PB is delivered in partnership with local authorities, communities and third sector organisations. Community Councils across Scotland have led on successful PB initiatives in their local community. The Scottish Community Development Centre hosts the PB Scotland website and more information is available here: [PB Scotland - Participatory Budgeting in Scotland](#)

15.8 **Social Impact Pledge**

The Social Impact Pledge was launched in 2016 and asks public sector organisations across Scotland to commit to increasing their social impact, by offering practical support to benefit the community. A pledge can be as practical as offering a free meeting space for community organisations, offering increased work experience for students and young people, allocating paid free time for staff to support community fund raising or providing opportunities for young people to experience a Board meeting or shadow a Board member. The Scottish Community Development Centre hosts the Social Impact Pledge and more information is available here: <http://www.communityscot.org.uk/social-impact-pledge/>

15.9 **The National Standards for Community Engagement**

The National Standards for Community Engagement are good practice principles designed to support and inform the process of community engagement and improve what happens as a result. The Standards were revised in 2016 and 2020 to guide

thinking on how to engage effectively with communities, in particular following recovery from the Covid-19 pandemic. More information is available here:

[National Standards for Community Engagement](#)

[VOiCE \(Visioning Outcomes in Community Engagement\)](#) was refreshed in 2021 and it continues to be a very well-used online platform for planning and evaluating community engagement within the public, voluntary and community sectors and may be a useful tool for Community Councils.

The [Engaging With our Communities to Support Recovery and Renewal](#) resource looks at good practice in engaging digitally. Although initially written to support Covid-19 recovery, the information is also relevant to digital engagement in a wider context.

15.10 **Community Development**

Community development helps people come together to act on what is important to them and helps communities to organise and identify the issues they want to address, or the opportunities they want to explore. Community Councils may want to engage with the key national organisations for community development in Scotland. Website links are as follows:

Scottish Community Development Centre: [SCDC - We believe communities matter](#)

Community Development Alliance Scotland: [Community Development Alliance Scotland](#)

Scottish Community Development Network: [SCDN | Scottish Community Development Network](#)

International Association for Community Development: [IACD Global](#)

Community Learning and Development Standards Council: [CLD Standards Council for Scotland | Professional Learning](#)

15.11 **Communities Channel Scotland**

The Communities Channel Scotland website is a trusted source of information and a one stop shop for communities seeking up to date and relevant information, stories and learning to inform their efforts to improve their community. Community Councils may find it helpful as it provides information on funding sources and provides inspiring local initiatives. More information is available here:

<http://www.communityscot.org.uk/>

16. SCHEME OF ESTABLISHMENT REVIEW PROCESS

This step-by-step guide is designed to support local authorities and Community Councils through the process of reviewing their local Scheme for the Establishment of Community Councils. It is also supplemented by a suggested timetable of the decision-making process, and draft Public Notices for the execution of a review process which can be found in the annexes of this document.

The statutory basis for establishing Community Councils is set out in Sections 51 to 55 of the [Local Government \(Scotland\) Act 1973](#) here: [Local Government \(Scotland\) Act 1973](#)

This is supplemented by Section 22 of the Local Government etc. (Scotland) Act 1994 here: [Local Government etc. \(Scotland\) Act 1994](#)

16.1 The role and remit of the Scottish and UK Parliaments

The Model Scheme for the Establishment of Community Councils specifies that Members of the Scottish and UK Parliaments are ex-officio* members of Community Councils within their constituency or region. Below is an outline of the roles and powers of the various Parliaments.

* Member generally taken to be a person, who, by virtue of an office or position held, is officially attached to a committee as a non-voting member.

16.2 The Scottish Parliament

Scotland, Wales, and Northern Ireland all held successful referendums on devolution in the late 1990s. In Scotland's case, this led to the establishment of a separate Parliament following the passing of the Scotland Act 1998. The Scottish Parliament took responsibility for its devolved powers on 1 July 1999.

16.3 Devolved and reserved powers

Devolved powers relate to policy areas which are under the remit of the Scottish Parliament, such as education and health. Reserved powers are those decisions that remain with the UK Parliament in Westminster. Which powers are devolved, and which are reserved are determined by legislation. The Scotland Act 2016 devolved a range of further powers to the Scottish Parliament, including Income Tax, control over some existing benefits and the ability to create new welfare payments.

16.4 Scottish Parliament – devolved powers

The role of the Scottish Parliament is to make laws in relation to devolved matters in Scotland. All matters that are not specifically reserved are devolved. Devolved matters over which the Scottish Parliament has legislative power include:

- Health
- Education and training

- Local government, social work and housing
- Economic development and transport
- Law and home affairs
- Income Tax and some welfare powers
- Environment
- Sport and the arts
- Agriculture, forestry and fishing

The Scottish Parliament is also able to examine devolved matters and debate a wide range of issues of interest and concern in Scotland, whether devolved or reserved.

16.5 The UK Parliament and reserved powers

With the advent of the Scottish Parliament in 1999, the UK Parliament retained authority over those sections of legislation not devolved to the Scottish Parliament, the Northern Ireland Assembly, and the Welsh Assembly. In terms of Scotland, authority over the following areas are retained by Westminster:

The constitution, which in the UK is a collection of documents, customs and practices which have evolved over centuries.

Economy

Trade and industry

Transport (not devolved to Scotland) such as transport safety and regulation

Social Security (responsibility for some benefits have now been devolved to the Scottish Parliament and are delivered by Social Security Scotland)

Defence and national security

TV and radio broadcasting

Foreign affairs

Immigration and nationality

Energy policy

APPENDIX 1



Chair: Formal and enabling roles

During meetings, the Chair can be described as having two main roles - formal and enabling. The following table details the various elements of these two roles:

The Formal Chair

General role and responsibilities

Ensure fair play

Stay in charge

Remain neutral

Agenda and timekeeping

Open the meeting

Introduce all agenda items

Evaluate how the meeting went

Be familiar with all agenda items

Get through the agenda in allotted time

The Enabling Chair

Have an overview of the task/goals of the meeting

Help to clarify goals

Help the group to take responsibility for what it wants to accomplish and to carry out its tasks

Run through the agenda at the beginning and get the meeting's approval for it

Arrange in advance for someone to introduce each agenda item

Update latecomers

Keep track of the time

Discussion

Select speakers	Encourage and help all to participate and ensure different opinions are represented
Make it safe to share feelings	
Suggest ways of handling conflict	
Summarise discussion	Encourage expression of various views
End discussion	Encourage people to keep to the subject
Ensure that people keep to the subject	Clarify and summarise discussion

Decision making and voting

Ensure decisions are taken and agreed	Suggest structure for decision making
Decide when to and conduct the vote	Look for the test areas of agreement

APPENDIX 2



DECLARATION OF INTERESTS

_____ COMMUNITY COUNCIL

A Community Council declaration of interest requires members to make public any financial or other interests that could potentially conflict with their role, typically by completing a declaration of interests and verbally declaring any conflicts at meetings. This promotes transparency and ensures members do not participate in discussions or votes on matters where they have a prejudicial interest.

Either

I have no interest to declare.

Or

What Needs to Be Declared?

Financial Interests: This can include shares, directorships in companies, contracts, or other financial positions.

Non-Financial/Other Interests: These can be personal or well-being interests that affect you, your friends, or relatives more than other people in the community. These are non-monetary interests that might influence, or be perceived to influence, your judgment. (e.g. membership of organisations, volunteer roles, positions on boards, close relationships, etc.)

Type of Interest	Description	Related person (if applicable)
------------------	-------------	-----------------------------------

Declaration and Signature

I, (name), having considered the requirements hereby declare the interests set out above (or None where applicable). I undertake to update this declaration if any of the interests change.

Signature: _____

Date: _____

Notes/Guidance

- Declarations should be made at or before the first meeting following election or co-option, and whenever a new interest arises.
- If a declared interest relates to an item on the agenda, you should either withdraw from the discussion or explain how you will manage the interest (e.g. not vote, leave the room).
- The test is: "Would a reasonable member of the public think this interest could influence my contribution?"
- The declaration need not go into overly private detail; it's enough to explain why the interest might matter.
- Keep the form on record and make it publicly accessible (e.g. publish on website or records) as appropriate.

APPENDIX 3



Community Council Elections Candidate Nomination Pack

In terms of the council's Scheme for Establishment of Community Councils in South Ayrshire community council elections are held every 4 years on a date set by South Ayrshire Council. The last community council elections took place in March 2022. The next election of members to serve on all community councils in South Ayrshire will take place on **date**. The Community Council are as follows:

Community Council Formula for Membership

Under the Community Council Scheme, membership of a Community Council is:

SOUTH AYRSHIRE COUNCIL NAME, DESCRIPTION AND MEMBERSHIP OF COMMUNITY COUNCIL

Name of Community Council	No of Members	South Ayrshire Council Electoral Ward(s)	Number of Electors
Alloway, Doonfoot and St Leonards	16	5	8449
Annbank	9	6	768
Ballantrae	10	8	500
Barr	10	8	251
Barrhill	10	8	279
Belmont and Kincaidston	13	4	4032
Colmonell and Lendalfoot	10	8	302
Coylton	10	7	2988
Craigie	10	6	304
Crosshill, Straiton and Kirkmichael	10	7	1371
Dailly	10	8	877
Dundonald	11	6	2248
Dunure	10	7	685
Forehill, Holmston and Masonhill	14	4	5996
Castlehill/Masonhill/New Holmston	7		3040
Holmston and Forehill	7		2956
Fort, Seafield and Wallacetown	15	5	6025
Fort	5		2238
Seafield	7		2772
Wallacetown	3		1015
Girvan and District	14	8	4995
Kirkoswald, Maidens and Turnberry	10	8	962
Loans	9	6	621
Maybole	12	7	3432
Minishant	10	7	459
Monkton	10	6	1338
Mossblown & St Quivox	11	6	1966
Newton and Heathfield	14	3	6050
Newton	3		1937
Heathfield	11		4113

North Ayr	15	3	6621
Whitletts and Lochside	6		1469
Dalmilling	5		2333
Craigie	4		2819
Pinwherry and Pinmore	10	8	218
Prestwick	18	2	12169
Symington	10	6	1650
Tarbolton	10	6	1786
Troon	18	1	12881

- Core membership of 9
- One additional member per thousand of electors, up to a maximum of 18 where the population density is over the South Ayrshire average of 92.2/sq km
- Where a population density is under the South Ayrshire average of 92.2/sq km, a Community Council will have one additional member
- Maximum membership of 18

The minimum age to stand for election as a community councillor in South Ayrshire is 16. Qualification is by residency within the specific community council area. The names and addresses of individuals seeking election to a community council must appear in the Electoral Register of the community council area they wish to join at the date of election.

The closing date for receipt of nominations is 4pm on XXXXX

Nominations should be returned in sufficient time. Late nominations cannot be accepted.

A nomination form will be rejected if:

- it has not been properly completed and signed.
- the candidates name or address does not appear in the electoral register for the community council area.

On the expiry of the period for lodging nominations:

- No election shall be necessary if the number of candidates nominated is less than the maximum membership. All candidates will be declared to be elected with effect from 1st April 2026
- No community council shall be established if the number of candidates nominated is less than 50% of the maximum membership. The council may issue a second calling for nominations in areas where community councils failed to meet the minimum membership requirement within 6 months of the closing date for receipt of the first call for nominations.
- Should the number of candidates validly nominated, be below the MINIMUM required membership no community council will be established at that time. However, that does not preclude South Ayrshire Council from issuing a second call for nominations for a community council area failing to meet the minimum membership requirement within 6 months of the closing date for the registration of the first call for nominations.

Where more nominations have been received than there are places available, a period of 7 days will be allowed for anyone who wishes to withdraw from the election process. The deadline for withdrawal of nominations will be 5pm on DATE. No nominations may be withdrawn after this date.

At the end of the withdrawal period, an election will be organised for any community council that still has more candidates than it has spaces available. The Rules for Election provided below give additional information about the election process.

RULES FOR ELECTIONS

1. Where it is determined under paragraph 3.8 of the Scheme for Establishment of Community Councils in South Ayrshire that an election is necessary, the election shall be organised by South Ayrshire Council. As determined appropriate by South Ayrshire Council's Service Lead – Thriving Communities.
2. The Returning Officer for community council elections shall be by South Ayrshire Council's Service Lead – Thriving Communities.
3. The election shall be carried out in accordance with the principles and procedures of the Scottish Local Government Elections Rules 2011, adjusted and amended as appropriate in accordance with these Rules made by South Ayrshire Council.
4. Any question of interpretation of the Scottish Local Government Elections Rules 2011, as amended by these Rules, shall be referred to the Returning Officer whose decision shall be final.
5. The final decision on the format of any community council election (eg. ballot box, postal ballot, electronic voting) will rest with the Returning Officer.
6. The election will be conducted using the first past the post system (also known as the simple majority system).
7. Candidates shall not have, and shall not require to have, an official polling counting or other agent.
8. Neither proxy voting nor tendered ballot paper procedures shall be incorporated in community council elections.
9. The provisions regarding the death of a candidate before the declaration in a contested election shall result in the abandonment of the poll.
10. A candidate for nomination must reside within the area which such community council serves or represents, and their name must appear in the relevant electoral register as being entitled to vote at the date of election to the community council area.
11. Voters may vote and mark their ballot paper accordingly up to the number of times equivalent to the maximum number of community councillors permitted on the community council. Ballot papers on which more votes have been cast than councillors to be returned shall be regarded as wholly void.
12. The date and place of poll shall be as arranged by the Returning Office having regard to any restrictions in place at that time.

13. Where traditional polling station voting is employed, the hours of poll shall be between 10 am and 7 pm.
14. The Returning Officer for community council elections is authorised to appoint officials for the conduct of elections.
15. In addition to the general duty of the Returning Officer to do any act or thing which may be necessary for effectively conducting elections under these rules, the Returning Officer is further authorised, in the application of the Scottish Local Election Rules 2011, to make any amendments or adjustments as may be appropriate or required according to local circumstances or as may be appropriate in the context of community council elections.
16. The Returning Officer shall plan for counting the votes as soon as practicable after the close of poll. These arrangements will have regard to any restrictions in place at that time.
17. The rejection of any ballot paper shall be decided by the Returning Officer after consultation with candidates, if present, and the decision of the Returning Officer shall be final.
18. Any other matters arising in connection with community council elections shall be referred to the Returning Officer whose decision shall be final. There shall be no appeal by way of election petition or any other procedure in the context of community council elections.

APPENDIX 4



SOUTH AYRSHIRE COUNCIL
Community Council Elections

PLANNING TIMETABLE 202X

Full election open for nominations. Adverts placed in local press, council website and social media.	W/C XX January 202X
Closing date for ACCEPTANCE of nominations (6 weeks from opening)	Friday XX February 202X at 4pm Completed nomination forms must be returned to:- The Returning Officer Community Council Elections County Buildings Wellington Square Ayr KA7 1DR or sent by email to:- community.councils@south-ayrshire.gov.uk Any queries should be addressed to Jodie McFarlane on 01292 612301 or using the email above.
Below only carried out if a contested election is required	
Closing date for WITHDRAWAL of nominations	XXXX February XXXX at 4pm
Decision on METHOD OF ELECTION (i.e. full postal/ballot box/online)	XXX February XXXX
DATE OF ELECTIONS (including final date for postal ballot papers to be received)	TBC

Counting of Votes	DAY AFTER ELECTIONS
Community Council appointments to COMMENCE	XXXX 1st April XXXX
FIRST MEETING following the four yearly Full Election to take place within 30 days of 1 st April	XXX 1st April – XXXXX

APPENDIX 5



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 – xxxxx at xxpm**

The information provided by you as part of this nomination will be subject to processing by the Council as data controller. Full details of how the Council process your data can be found on the Council Privacy Notice enclosed with this nomination.

First Name:-
Any Middle Names:-
Surname:-
Address:-
.....
Postcode:-
Telephone:- Mobile:-.....
Email address:-

I certify that the above particulars are correct, that I am aged 16 years or over on date of election closing 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).

I consent to my nomination as candidate.

Signature of Candidate
Date
Full name of Witness
Signature of Witness
Address of Witness
.....

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. It is recommended that the candidate provides a statement saying why he/she wants to be elected, however there is no obligation on a candidate to complete this part, it is entirely optional.

PLEASE COMPLETE IN BLOCK LETTERS

Nomination Forms must be delivered to:-

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

Helpline: 01292 612301
Communitycouncils@south-ayrshire.gov.uk

APPENDIX 6



Privacy Notice Community Councillor Nominations

This statement provides more details about how the Council uses your personal data when you agree to be nominated as a Community Councillor and/or become a Community Councillor and provides information on how to get in touch with us if you need to know more.

As the 'data controller' for the personal information – or data – we hold about you, **South Ayrshire Council** decides how your personal information is used/processed, and what it is used for.

Your personal data – what is it?

Personal data is information relating to a living person who can be identified from that data. Identification can be based on the information alone, or in conjunction with any other information. The processing of personal data is governed by the UK General Data Protection Regulation (UK GDPR) and supplemented by the Data Protection Act 2018.

What Personal Data will we collect from you?

We will only collect the personal information we need to progress your agreed nomination as a Community Councillor and provide you with relevant information, services and support if you are a Community Councillor in South Ayrshire. The personal data we will collect may include:

- Name
- Address and Postcode
- Land line telephone number
- Mobile telephone number
- Email Address

How will we use your information?

We will use your information for the administration of the election of your Community Council and to support you as a Community Councillor, including providing you with access to our online training platform, should you be elected to your Community Council.

What is the legal basis for using/sharing your information?

The Council has a statutory obligation to assist Community Councils in terms of the Local Government (Scotland) Act 1973 and the Local Government (Scotland) Act 1994, which is our public task.

Who will we share your information with?

When we will collect your personal data	Who we will share it with
When you stand for election as a Community Councillor	<ul style="list-style-type: none">• The Public: Your name, town and postcode will appear on the election ballot paper (if a Poll is required);• AVJB: Your name and address will be shared with the Ayrshire Valuation Joint Board to verify your application.
If you are elected to a Community Council	<p>The Community Council: Your name and address will be passed to the Community Council you have joined to allow them to communicate with you and to allow a Notice to be displayed by the Community Council within the community of your membership;</p> <p>The Public: Election results will be posted on the Council's website, which will include your name, the town where you live and postcode, for openness and transparency of election results.</p> <p>Our online training provider: We will ask you to use your own private email address to create a profile and login to access the training modules you need to complete to undertake your duties as a Community Councillor. Your email address will not be used by the provider for any other purpose. Access to our online training provider's privacy policy can be found on their website here https://learnprogroup.com/privacypolicy/</p>

<p>If you are elected to a key position on your Community Council (e.g. Chair or Secretary, and depending on the role you fulfil):</p>	<p>The Public: Your name, ward and Community Council email address may be added to the Council's Community Council web page to allow members of the public to contact you;</p> <p>Council Elected Members and Employees: Your name, ward and Community Council email address and telephone number will be placed on the Councils intranet to allow Elected Members, support staff and Council Officers to contact you for Community Council business.</p>
--	---

How long do we keep hold of your information?

We will retain your personal data in line with our corporate records retentions schedule and hold your data for five years following the last action on your record.

What are your rights?

The lawful basis for processing/using your personal data directly impacts which rights are available to you. For example, some rights will not apply, in this case we are not required to:

- Erase your personal information
- enable the right to data portability

However, you do have the following rights and can ask us to:

- correct your personal information if it is inaccurate;
- complete your personal information if it is incomplete;
- restrict the processing of your personal information in certain circumstances

You also have the right to object to the processing of your personal information, under certain circumstances.

What are the consequences of failing to provide personal information?

Where the provision of your information to the Council is a statutory or contractual requirement, or a requirement necessary to enter into a contract, you are obliged to provide the information. If the required information is not provided, the Council will be unable to undertake our statutory functions in terms of the administration and election of Community Councils.

Do you require this statement in a different format?

Please contact us if you require this information in an alternative format.

How can you get in touch with us?

If you wish to obtain any records held by the Council relating to you, or if you have any general data protection queries, please contact the Council's Data Protection Service at:

Data Protection Officer **Email:** DataProtection@south-ayrshire.gov.uk
 South Ayrshire Council **Telephone:** 01292 612223
 County Buildings
 Ayr KA7 1DR

Are you dissatisfied with the way your Personal Information has been handled? If you are unhappy with the way we have dealt with your personal information, you can complain to the Council's Data Protection Officer using the contact details noted above.

If you remain dissatisfied after contacting us, you have the right to complain to the Information Commissioner (<https://ico.org.uk/for-the-public/>):

Information Commissioner's Office - Scotland Email: Scotland@ico.org.uk
Queen Elizabeth House Telephone: 0303 123 1115
Sibbald Walk
Edinburgh
EH8 8FT

APPENDIX 7



Further guidance for Community Councils to consider in relation to any information and/or data that they may hold or process.

South Ayrshire Community Councils - Privacy Notice Template

This is the privacy statement for [insert name of community council].

Who we are

We are [insert name], more information on Community Councils can be accessed on the South Ayrshire's Council website at [insert link to Community Council's page]

Your personal data – what is it?

Personal data is information relating to a living person who can be identified from that data. Identification can be based on the information alone, or in conjunction with any other information. The processing of personal data is governed by the General Data Protection Regulation 2016 (GDPR).

What information will we collect from you?

We will only collect the personal information we need to provide you with relevant information, services and support.

How we will use the information about you

The Community Council will only be able to look into concerns which you raise if we can use your personal information, for example so we can contact you with the result of our inquiries.

The legal basis for processing (using) your personal data

If you have contacted us and provided your personal information, we will use your information only with your consent. You are free to withdraw your consent at any time.

Where we have been given information about other people then we may use this information because it is necessary for us to use it for the performance of a task carried out in the public interest.

For some activities, we also need to process more sensitive personal information about you for reasons of substantial public interest as set out in the Data Protection Act 2018. It is necessary for us to process this more sensitive information for a number of reasons including:

- to carry out key functions as set out in law;
- with your explicit consent.

Who we share your information with

[Insert a list of who you share the information with or add a statement we do not share your information with any other organisation]

How long do we keep hold of your information?

We will keep your personal data for no longer than reasonably necessary.
[insert your own retention rule here]

Your rights

You have the following rights:

You can ask us to:

- correct your personal information if it is inaccurate;
- complete your personal information if it is incomplete;
- restrict the processing of your personal information in certain circumstances; and
- erase your personal information in certain circumstances.

You also have the right to object to the processing of your personal information.

Withdrawing consent to use your information – Where we use your personal information with your consent you may withdraw that consent at any time and we will stop using your personal information for the purpose(s) for which consent was given.

Please contact us as stated above if you wish to exercise any of these rights.

Information we hold about other people

Most of the personal information we hold relates to people who have approached us in connection with a particular issue. However we may also hold information about other people as well, where this has been given to us in connection with such an issue. In some cases we will contact these other people directly to inform them that we have been provided with information about them (and also to tell them about their rights under data protection law and advise them about the terms of this privacy statement) but in many cases this is impractical.

Profiling or automated decision-making processes

We do not make use of automated decision-making processes or profiling.

Getting in touch

If you wish to request a copy of the personal information that we hold about you or if you have any general data protection queries, our contact details are as follows:

[insert address]

Phone:[insert number]

Mobile Phone:[insert number]

Fax:[insert number if applicable]

E-Mail:[insert.name]

If you have a complaint

If you are unhappy with the way we have dealt with your personal information, please contact us in the first instance and we will try to resolve the issue. However, if you remain dissatisfied you can complain to the Information Commissioner (<https://ico.org.uk/for-the-public/>).

Information Commissioner's Office – Scotland

Queen Elizabeth House

Sibbald Walk

Edinburgh

EH8 8FT

Telephone: 0303 123 1115

Email: Scotland@ico.org.uk

APPENDIX 8



FORM FOR CO-OPTION OF COMMUNITY COUNCILLORS

.....COMMUNITY COUNCIL
..... SUB-WARD (if applicable)

Co-opted Member's Details and Declaration

I, the below named, consent to my Co-option as a Member of the named Community Council and I declare that:

- I am aged 16 or over;
- I live within the Community Council area;
- I am named on the Electoral Register for that area.

First Name:-
Any Middle Names:-
Surname:-
Address:-
.....
Postcode:-
Telephone:- Mobile:-.....
Email address:-

I understand that, if successful, my name and address will be included on the register of Community Council Members, and that my details will be retained by South Ayrshire Council and used to contact me on Community Council business .

Co-Opted Member's Signature:-..... Date:-.....

This form should now be sent to communitycouncils@south-ayrshire.gov.uk for the appropriate checks to be carried out. Thereafter the form will be returned to the Secretary for the Community Council to consider at their next meeting.

Community Council's Declaration

..... **Community Council**

- I, as Secretary of and on behalf of the named Community Council, declare that:
- a motion to co-opt the named Co-opted Member to the Community Council was passed at the meeting of the Community Council detailed below;
 - the motion was proposed and seconded by the Community Councillors detailed below;
 - the co-option was carried out in accordance with the terms of the South Ayrshire Council Scheme for Establishment of Community Councils, including the Constitution and Standing Orders;
 - therefore, the named Co-opted Member is now a Community Councillor on the named Community Council.

Name of Co-Opted Member:-

Full Name	Signature
-----------	-----------

Community Councillor Proposing:-
--	-------

Community Councillor Seconding:-
--	-------

Date of Meeting:-

Name of Secretary:-

Secretary's Signature:-.....	Date:-.....
------------------------------	-------------

APPENDIX 9



Name of Community Council _____

Date of meeting _____

Venue of meeting _____

Present: List members of the Community Council present including co-opted members, and ex officio

In attendance: Associate members and any visitors to the Community Council

Apologies: List any members who have submitted apologies for this meeting.

Item	Action
<p>1. Welcome and Declaration of Interests</p> <p>You should detail the item number, the community Councillor declaring the interest, the nature of this interest and whether the Community Councillor left the meeting whilst the item was discussed.</p>	<p>For all items - Note initials of Councillors who are responsible for the actions</p>
<p>2. Approve Minute of last meeting</p> <p>Chair to ask whether everyone who attended the meeting is in agreement that the minutes are a true reflection of the meeting concerned. If any members wish to query this is the time to do so. Once all happy they can be approved and seconded.</p>	
<p>3. Matters arising from the minute</p> <p>You should detail any updates and any further actions/decision relating to that item.</p>	

4. Police Report

Note receipt of the report and any highlights. Note any issues raised and any action to be taken.

5. Any presentation/arranged speakers

Short overview of content followed by any decision or action to be taken.

6. Planning Applications

All planning considered should be noted along with any discussion and any representation that will be submitted in the name of the Community Council.

If the Community Council has undertaken any agreement of a consultation response out with the formal meeting. This should be intimated and minuted at the next formal meeting.

7. Reports from Sub-Committees/Working Groups

Where appropriate you should provide detail of updates from any sub-committees or working groups and any views that require to be reported back to these groups.

8. Update from South Ayrshire Councillors

You should give a general overview of this update and note any matters raised for the Councillor to progress.

9. Questions from Members of the Public

You should note in general terms the issues raised (without referring to the residents concerned) and any actions/decision relating to this. If a significant issue (that is not of an urgent nature) is raised, you may wish to defer consideration to the next meeting to ensure the Community is aware that the CC is discussing this item.

10. Correspondence

Items previously circulated should be noted and any further action agreed and noted.

11. Treasurer

You should note the balance and any further expenditure or actions that are agreed.

12. Other agenda items/Urgent Business (if required)

You should provide an overview of the discussion that took place, keeping it general and not using specific Community Councillors names unless necessary.

You should provide details of any decision and actions to be taken.

13. Date of Next Meeting

You should provide the date, time and venue of the next meeting.

APPENDIX 10



COMMUNITY COUNCIL STATEMENT OF ACCOUNTS

Income/Expense Account for period of _____ to _____

Opening balance £

	£	£
Balance brought forward		0.00

Income

Admin Grant	0.00
Discretionary Grant	0.00
Bank Interest	0.00

0.00

Expenditure

Insurance	0.00
ICO	0.00
Accommodation Cost	0.00
Auditors Fees	0.00
Subscriptions	0.00
Travel Expenses	0.00
Publication of minutes/agendas	0.00
Publication of newsletters	0.00
Stationary/photocopying	0.00
Postage	0.00
Telephone Costs	0.00

Any other expenditure 0.00

0.00

Opening Balance	0.00
Income	<u>0.00</u>
Total	<u>0.00</u>
Less Expenditure	<u>0.00</u>
Closing Balance	<u>0.00</u>

I certify that these accounts have been prepared by me and accurately reflect the financial provisions relating to the financial period of _____ to _____.

Treasurers name _____

Treasurers signature _____

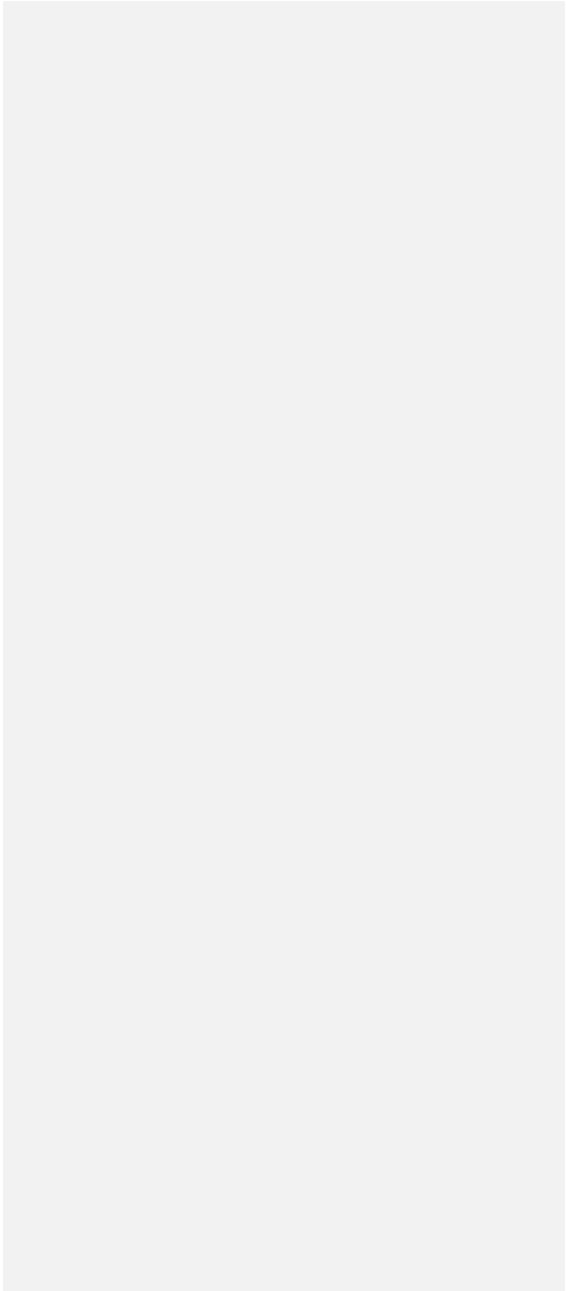
Date _____

Examiner's Details

The above Income and Expenditure has been examined from the records, receipts and bank statements provided by _____ Community Council.

Name _____

Designation _____
Organisation _____
Address _____
Telephone _____
Email _____
Signed _____
Date _____



APPENDIX 11



South Ayrshire Council

**Unacceptable Actions Policy
for Community Councils**

Policy on Unacceptable Actions by Constituents (Voting Members of the Public)

1. Introduction

- 1.1 This Policy sets out South Ayrshire Community Councils' approach to the relatively few constituents whose actions or behaviour we consider unacceptable. The term also includes anyone acting on behalf of a constituent or who contacts us in connection with Community Council business. The principles set out in this Policy also apply to our dealings with constituents who are complaining about us (Community Council) and they will be referred to the Community Council complaints procedure.

2. Policy aims

2.1. *In this Policy, we aim to:*

- 2.1.1. deal fairly, honestly, consistently and appropriately with all constituents, including those whose actions we consider unacceptable. We believe that all constituents have the right to be heard, understood and respected. We also consider that our Community Councillors have these same rights.
- 2.1.2. be accessible to all our constituents. However, we retain the right, where we consider a constituent's actions to be unacceptable, to restrict or change access to our service.
- 2.1.3. ensure that other constituents, Community Councillors or Council staff do not suffer any disadvantage from someone who acts in an unacceptable manner.

3. Unacceptable Actions by Constituents

3.1 *Definition:*

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a constituent coming to us. We do not view behaviour as unacceptable just because a constituent is forceful or determined. However, the actions of constituents who are angry, demanding or persistent may result in unreasonable demands on our resources or in unacceptable behaviour towards our Community Councillors. It is these actions that we consider unacceptable and aim to manage under this Policy. We have grouped these actions under three broad headings:

3.2 *Aggressive or Abusive Behaviour:*

- 3.2.1 Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause members of the Community Council to feel afraid, threatened or abused.
- 3.2.2 Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks, and rudeness towards our members when they are engaged on Community Council business. We also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour.
- 3.2.3 We expect our Community Councillors to be treated courteously and with respect. Violence or abuse towards them is unacceptable. We understand the difference between aggression and anger. The anger felt by many constituents involves the subject matter of their contact with us.

However, it is not acceptable when anger escalates into aggression directed towards Community Councillors.

3.3 **Unreasonable Demands:**

3.3.1 Constituents may make what we consider unreasonable demands on on the Community Council members through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the constituent.

3.3.2 Examples of actions grouped under this heading include:

- demanding responses within an unreasonable time-scale;
- insisting on seeing or speaking to a particular Community Councillor;
- continual phone calls or letters: and,
- repeatedly changing the substance of the issue or complaint or raising unrelated concerns.

3.3.3 We consider these demands as unacceptable and unreasonable if they start to impact substantially on the work of the Community Council, such as taking up an excessive amount of Councillor time to the disadvantage of other constituents, services or functions.

3.4 **Unreasonable Persistence:**

3.4.1 We recognise that some constituents will not or cannot accept that we are unable to provide a level of service other than that provided already. Constituents may persist in disagreeing with the action or decision taken in relation to their issue or complaint or contact us persistently about the same issue.

3.4.2 Not all concerns raised can be dealt with under the Community Council complaints process. Where a matter falls outside the Scheme, it may be redirected to a more appropriate body. Decisions on validity and progression of complaints are made on a case-by-case basis.

3.4.3 Examples of actions grouped under this heading include:

- persistent refusal to accept a decision made in relation to an issue or complaint;
- persistent refusal to accept explanations relating to what we can or cannot do; and,
- continuing to pursue an issue or complaint without presenting any new information.

3.4.4 The way in which these constituents approach us may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

3.4.5 We consider the actions of persistent constituents to be unacceptable when they take up what we regard as being a disproportionate amount of time and resources.

4. **Managing Unacceptable Actions by Constituents**

4.1 There are relatively few constituents whose actions we consider unacceptable. We aim to manage these actions based on their nature and extent. If our ability to do our work and provide a service to others is affected adversely, we may need to restrict that constituent's contact with us in order to manage the unacceptable action.

- 4.2 We aim to do this in a way, wherever possible, that allows a complaint to progress to completion through our Community Council Complaints Procedure.
- 4.2.1 We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these.
- 4.2.2 We try to maintain at least one form of contact.
- 4.2.3 In extreme situations, we tell the constituent in writing that their name is on a 'no personal contact' list. This means that they must restrict contact to the Community Councillor identified within the Community Council Complaints Procedure only, whether this is in writing, personal contact or through a third party.
- 4.3 The threat or use of physical violence, verbal abuse or harassment towards members is likely to result in the ending of all direct contact immediately with the constituent. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.
- 4.4 We also view the use of social media to be covered by this policy.
- 4.5 We do not deal with correspondence (letter, fax or electronic) that is abusive to members. When this happens we tell the constituent that we consider their language offensive, unnecessary and unhelpful. We ask them to stop using such language and state that we will not respond to their correspondence. We may require future contact to be through a third party if they persist.
- 4.6 Community Councillors will end telephone calls if the caller is considered aggressive, abusive or offensive. The Community Councillor taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.
- 4.7 Where a constituent repeatedly phones, visits, sends irrelevant documents or raises the same issues, we may decide to:
- only take telephone calls from the constituents at set times on set days or put an arrangement in place for a third party to deal with calls or correspondence from the complainant in future.
 - require the constituent to make an appointment to see a named third party; or,
 - that the constituent contacts the Community Council in writing only;
 - return the documents to the constituent or, in extreme cases, advise them that further irrelevant documents will be destroyed; or
 - take other action that we consider appropriate. We will, however, always tell the constituent what action we are taking and why.
- 4.8 Where a constituent continues to correspond on a wide range of issues, and this action is considered excessive, then they will be told that only a certain number of issues will be considered in a given period and be asked to limit or focus their requests accordingly.
- 4.9 Constituent action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the constituent continues to dispute the Community Council's decision relating to their complaint or issue. The constituent will be told that no future phone calls will be accepted, or interviews granted concerning this complaint or issue. Any future contact by the constituent on this issue must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the constituent provides significant new information relating to the complaint or issue.

5. Constituent Confidentiality

- 5.1 Where appropriate, we will always respect the confidentiality of a constituent. However, confidentiality is not an absolute obligation as the law has always recognised that where appropriate it is permissible to release information which would normally be confidential if this is necessary to fulfil an overriding public interest, such as protecting someone else from harm. There may be cases where the professional's view is that there is no substance behind such a threat. If someone threatens someone else, we should be able to take appropriate steps in response such as alerting that person, the police or associated agencies.

6. Deciding to Restrict Constituent Contact

- 6.1 Community Councillors that directly experience aggressive or abusive behaviour from a constituent have the discretion to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy.
- 6.2 Except for such immediate decisions taken at the time of an incident, decisions to restrict contact with the Community Council are only taken after careful consideration of the situation and may include advice taken from a third party and/or legal services. Wherever possible, we give a constituent the opportunity to modify their behaviour or action before a decision is taken.
- 6.3 Constituents will be issued with a warning letter containing a copy of this Policy. They will be told why their actions are deemed to be unacceptable, and asked to moderate this behaviour. If this is not done, then they will be told that a contact restriction can be put in place.
- 6.4 When a decision has been made to restrict future contact, the constituent will be written to with details of the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.
- 6.5 If a serious threat of violence is made, then a warning letter is not necessary and the constituent can be issued with a restricted contact letter immediately.

7. Appealing a Decision to Restrict Contact

- 7.1 A constituent can appeal a warning letter, on the grounds of factual inaccuracy. They can do so, in writing only, to the Chair of the Community Council.
- 7.2 A constituent can appeal a decision to restrict contact. This must be done within 10 working days of receipt of the letter. Another third party, previously not involved in the original decision considers the appeal. They advise the constituent in writing that either the restricted contact arrangements still apply or a different course of action has been agreed. This should be done within 10 working days.

8. Recording and Reviewing a Decision to Restrict Contact

- 8.1 Where it is decided to restrict constituent contact, an entry noting this is made in the relevant file and on appropriate computer records.
- 8.2 A decision to restrict contact may be reconsidered if the constituent demonstrates a more acceptable approach. The Community Council reviews the status of all constituents with restricted contact arrangements on a regular basis.

APPENDIX 12



South Ayrshire Council

**Protection of Children & Vulnerable Adults
Guidance for Community Councils**

Introduction

Community Councils are a statutory organisation, the purpose of a Community Council is to *"In addition to any other purpose which a Community Council may pursue, the general purpose of a Community Council shall be to ascertain, coordinate 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"*.

Principles

All persons, whether members of the Community Council or attendees are required to abide by the law of the land, including, with limitation, the Protection of Children (Scotland) Act 2003; Protection of Vulnerable Groups (Scotland) Act 2007, and Children and Young People (Scotland) Act 2014. The Community Council has a duty of care to ensure members and volunteers comply with such laws. The Community Council shall at all times seek to ensure that all persons, including vulnerable groups and children, shall be kept safe and free from harm and protected from physical, sexual, verbal and emotional abuse when involved with the Community Council. Community Councils shall require that all persons shall comply with this guidance. To meet these obligations Community Council members should agree to this guidance, and, under the direction of the Community Council members the Chair shall have overall management responsibility for ensuring compliance by all members.

Underpinning principles

1. A child is recognised as someone under the age of 18.
2. A child has the right to relax, play and join in a wide range of activities.
3. The protection and wellbeing of all children and vulnerable adults in our care is everyone's responsibility.
4. A child or vulnerable adult, whatever their age, culture, disability, gender, language, racial origin, socio-economic status, religious belief and/or sexual identity have the right to protection from all forms of harm and abuse.
5. A child or vulnerable adult has the right to express views on all matters that affect them, should they wish to do so.
6. A child's or vulnerable adult rights, wishes and feelings should be respected and promoted.
7. The best way to promote the wellbeing, health and development of children and vulnerable adults is to work in partnership with the child/adult, parents/carers and other relevant organisations.

Promoting Good Practice

- Community Council members and volunteers will not be in a situation where they find themselves on their own with a child or vulnerable person.
- When a person has been identified as having additional needs or behaviour that is likely to require additional supervision, the Community Council will ensure that they will have adequate supervision in attendance with them.
- Members and volunteers should consider the individual needs of each participant, particularly where additional support has been brought to our attention.
- All members and volunteers, when working with young people, should demonstrate behaviours that promote the welfare of young people, to reduce the likelihood of allegations being made.

- Being an excellent role model which includes not smoking or drinking alcohol in the company of young people when in the role of organiser.
- Always work in an open environment.
- Treat all persons equally, with respect and dignity, abiding by the Community Councils Code of Conduct.
- Be aware and respectful of people from different religions and cultures.
- Building balanced relationships based on mutual trust.
- Respecting the personal space of participants and volunteers.
- If any physical contact is required, it should only be provided openly and with explanation.

Practices to be avoided

The following should be avoided except in emergencies:

- Avoid spending time alone with young people away from others.
- Avoid taking a role with responsibilities for which you are not appropriately trained. For example: physically handling disabled participants.
- Do not promise to keep secrets for a young person as this may be at the detriment of the young person's welfare.
- Should not share more contact information than is essential to conduct Community Council business. For example: Facebook, mobile number, email, etc.
- Do not use physical intervention to manage challenging behaviour.

If cases arise where these situations are unavoidable,(i.e. Litter picking or other community projects). It should be with the full knowledge and consent of the young person's teacher or parent/carer.

Practices Never to be sanctioned

- Physical punishment or the threat of such.
- Refusal to speak with or interact with a child.
- Verbal intimidation, ridicule, humiliation or reducing a young person to tears as a form of control.
- Engaging in rough or sexually provocative actions.
- Allowing or engaging in any form of inappropriate touching.
- Allowing young people to use inappropriate language unchallenged.
- Making sexually suggestive comments to a young person.
- Failing to act upon and record any concerns raised by a young person.
- Doing things of a personal nature for young people that they can do for themselves. For example: feeding them.
- Inviting or allowing young people to stay with you at your home unsupervised.

Use of Photographic Filming Equipment

Photographing and filming young people under the age of 18 is allowed with prior consent and only used for the reason that it was given for.

It is the duty of the person responsible to obtain permission prior to posting any photos or videos on the website or social media platforms.

Further information can be found by referring to the Code of Conduct for Community Councils within the Scheme for Establishment of Community Councils

If you have Child Protection Concern contact:

South Ayrshire Council's Social Work Child Protection Services on 01292 267675 or call 0800 328 7758 if out of hours. You can also email InitialResponseTeam@south-ayrshire.gov.uk

Police – 101