



# **SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN FIFE**

## Document Version Control

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11.03.21	HW/DB/WM	1.0	Final Version approved by Fife Council on 11.03.21	Review of the Scheme for the Establishment of Community Councils in Fife.

## **The Scheme of Establishment for Community Councils (2021)**

The following is the Scheme of Establishment for Community Councils as approved for implementation by the Fife Council on 11<sup>th</sup> March, 2021.

This Scheme of Establishment for Community Councils (2021) describes how Community Councils in Fife are formed; the conditions under which they operate, and the minimum standards to be met for recognition as a Community Council.

Any breach of the Scheme (2021) under the terms of the Local Government (Scotland) Act 1973 may be reported to Fife Council, which may in turn advise Community Councils of what action, if any, might be taken.

## **Review and Amendment of the Scheme**

Fife Council, having regard to changing circumstances and to any representations made to it, shall from time to time review the Scheme and, where it considers that the Scheme ought to be amended, shall proceed in accordance with the procedure specified in Section 53 of the Local Government (Scotland) Act 1973, as amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981.

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## 1.0 INTRODUCTION

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

1.2 The general purpose of community councils established under the Scheme is set out in Section 5.1 (2) of the Local Government (Scotland) Act 1973, as follows: -

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

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

1.4 Community Councils act as a voice for their local area, articulating the views and concerns of local people in their area on a wide range of issues of public concern and make representations to Fife Council, other public sector bodies and private agencies on matters within their sphere of interest.

1.5 Recognised Community Councils, unlike other community organisations, are included in the consultation process for all planning applications. They have the right to receive copies of applications and will be recognised as competent bodies to make representations regarding applications. **(See Schedule 5)**

1.6 Community Councils are statutory consultees in terms of section 21 of the Licensing (Scotland) Act 2005 and are consulted on all applications for provisional/premises licences and major variations to premises licences. They are also consulted on the development of the Licensing Policy Statement and any supplementary Licensing Policy Statement.

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

1.8 It is essential that these views are shown to be accurately representative of the community i.e. evidenced consultation; agendas and minutes from special meetings; questionnaire responses. The legitimate consultative mechanisms will be recognised by Fife Council as validation of the wider community's views and their engagement

- 1.9 Community Councils are a type of community participation body as defined under the Community Empowerment Act 2015. They have the authority to make participation requests to a public service authority to permit them to participate in an outcome improvement process.
- 1.10 Community Councils may be consulted on any other matters by the Local Authority, Community Planning Partnership and other public sector and private agencies.
- 1.11 Community Councils may carry out other activities that are in the general interests of the communities they represent, provided those activities fall within the objectives of their Constitution and the terms of the Scheme for the Establishment of Community Councils.
- 1.12 In carrying out their activities, the Community Council must comply with their statutory duties; the terms of this Scheme; Standing Orders; and the Community Councillors' Standards of Conduct.

## **2.0 Rights and Responsibilities at a Glance**

### **2.1. A Community Council which conforms fully to the Scheme has rights:**

- a. to be consulted, and to make representations about planning applications;
- b. to be recognised as a competent body to comment on licensing applications;
- c. to be recognised as an appropriate body to apply for Fife Council funding;
- d. to seek information and assistance from Fife Council.

### **2.2 A Community Council's responsibilities include:**

- a. to conform with the requirements of this Governance, which includes the Appendices;
- b. to be representative of all sectors of the community within their area;
- c. to conduct a minimum number of meetings each year i.e. minimum of 4 within the Community Council's financial year;
- d. to produce and distribute minutes of every meeting of the Community Council;
- e. to annually prepare and publish an audited financial statement and inventory;
- f. to hold elections for membership to the Community Council in liaison with Fife Council;
- g. to advertise throughout its area, in advance, all of its meetings;
- h. to identify effective consultation methods which enable effective engagement with the community on issues of significant public interest, and be able to provide evidence of these methods to Fife Council;
- i. to conduct all meetings and business in accordance with this Governance;
- j. to ensure the practice of equal opportunities can be evidenced if required;
- k. to ensure that every member conforms to their responsibilities as laid down in this Governance;
- l. to immediately advise Fife Council when its constituted membership falls to half of its total.

### 2.3 **Fife Council's obligations**

- a. to review the Scheme from time to time, including consultation with Community Councils and the public in accordance with the procedure specified in Section 53 of the Local Government (Scotland) Act 1973, as amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981;
- b. to support Community Councils to conform to the requirements of this Scheme;
- c. to provide structured support to Community Councils and their members as or when deemed appropriate;
- d. to arrange Inaugural and Full elections for new Community Councils;
- e. to conduct and administer interim elections for Community Councils;
- f. to provide publicity for common election dates for Community Councils;
- g. to provide such financial and administrative assistance as is possible, subject to the various constraints placed on Fife Council;
- h. to consult with and/or notify Community Councils e.g. on planning applications & licensing applications

### **General Responsibilities**

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

2.5 In order to fulfil their responsibilities and in being effective and representative, Community Councils will:

- (a) Inform the community of the work and decisions of the Community Council by posting agendas and minutes of meetings in public places
- (b) Provide contact information including name, email address and website link to be made publicly available to allow the Community Council to be contacted by members of the public. The Community Council may wish to utilise a generic email address rather than use an officer bearer's personal email address.
- (c) Allow members of the public to attend all meetings of the Community Council and ensure they have the opportunity to address the Community Council.
- (d) Send agendas and draft minutes of Community Council meetings to Community Council members and to relevant elected members and other interested parties.
- (e) Provide a copy of their annual meetings schedule to Fife Council.
- (f) Have in place consultative mechanisms to encourage public involvement and feedback to secure greatest possible involvement from all sectors of the community it represents. This could be in the form of consultations, questionnaires, public meetings and providing information to the community, thereby promoting community participation and a sense of community spirit.

- (g) Seek to broaden both representation and expertise by promoting Nominated Membership of the Community Council of persons for specific projects/issues.
- (h) Make particular efforts to encourage young people and other under-represented groups to attend and participate in Community Council meetings and to ensure equality of opportunity in the way the Community Council carries out its functions.
- (i) Maintain proper financial records and present financial reports at Community Council meetings.
- (j) Provide the necessary financial records to Fife Council on applying for its annual grant.
- (k) Inform Fife Council of any change in membership (resignations, nominated members) and circumstances, as soon as is practicable.

### **Constitution**

- 2.6 Each Community Council is required to adopt a Constitution. This Scheme of Establishment will act as the Constitution for all Community Councils in Fife. The Community Council may wish however to adopt its own Constitution in which case it must forward this for the approval of Fife Council. The Community Council must ensure that their Constitution does not conflict with the terms of this Scheme.
- 2.7 Any constitution will remain in force until Fife Council approves a revision of this Scheme or the Community Council receives approval of an amended Constitution.
- 2.8 The Community Council must act in accordance with the law and in accordance with the terms of its Constitution.

### **Standing Orders**

- 2.9 The Council will provide model Standing Orders for the regulation of the Community Council's proceedings and business. This will apply to all Community Councils and no alteration to these Standing Orders will be valid unless approved by Fife Council, in writing. **(see Schedule 2)**
- 2.10. In the absence of any standing orders, on any procedural point, the model standing orders at that time in force will be deemed to apply.

### **Code of Conduct**

- 2.11 All Community Council members must agree to abide by certain Code of Conduct. This includes key principles around duty, selflessness, integrity, objectivity accountability and stewardship, openness, honesty, leadership, and respect. **(See Schedule 3)**

## 3.0 ESTABLISHMENT AND MEMBERSHIP OF COMMUNITY COUNCILS

### Boundary Areas

3.1 The boundaries of the areas of Community Councils and their populations and the number of members to be appointed to Community Councils are detailed in **Schedule 1** of this Scheme together with the plan annexed. Maps which outline these boundaries are available on the individual Community Council page on Fife Council's website – [Link to Community Council website](#)

- Requests to merge Community Council boundary areas shall be submitted in writing to the Head of Legal and Democratic Services, who will notify all affected Community Councils of the request. There will follow a public consultation period of **12 weeks**.
- Community Councils should co-ordinate responses received during the consultation process and provide these comments to Fife Council and any affected community councils. Fife Council will act on behalf of any affected inactive Community Council during the consultation process.
- Subsequently, each affected community council will be required to call a public meeting and hold a show of hands vote to approve the proposal.
- In the event that a public meeting cannot take place, the use of voting polls on Social Media will be permitted.
- If all affected community councils approve the proposal, it will be formally submitted to Fife Council for consideration at a special meeting of Fife Council within **12 weeks** of submission.
- If there is no consensus to approve the proposal, it will be formally submitted to Fife Council for final determination at a special meeting of Fife Council within 12 weeks of submission.
- The Head of Legal and Democratic Services will notify all affected Community Councils of the outcome following the special meeting of Fife Council.

### Establishment of Community Councils

3.2 The regular Community Council elections will provide an opportunity for the establishment of all Community Councils in Fife.

3.3 If for any area the Community Council is not established at an ordinary election then, on receipt of a Petition bearing the names of 20 local residents (Electors) whose names appear on the Electoral Register, the Community Council will be established by election carried out under the rules for Community Council Elections.

## **Qualification for Nomination, Election and Holding Office as a Member of a Community Council**

- 3.4 Members of the Community Council will be known as Community Councillors.
- 3.5 Membership of Community Councils is determined in accordance with population, allowing for exceptions to suit local circumstances. **(See Schedule 1).**
- 3.6 The minimum membership of the Community Council in Fife is 8 for a population of eligible voters (on the electoral roll), of 1,000 residents or less, plus 2 additional members for every 2,000 population, up to a maximum of 20 members for a population of 11,000 eligible voters or more.
- 3.7 The minimum number of members for Community Councils is 50% of the maximum membership for its population of eligible voters. Any amendment to this Scheme in this respect would be made by Fife Council and be subject to public consultation.
- 3.8 The minimum age to stand for election as a Community Councillor is 16 years of age.
- 3.9 The overarching qualification for membership is that the candidate, on the date of nomination, is a resident within the specific Community Council area. Candidates must also be named on the current electoral register as a local government elector for the Community Council area in which they reside.
- 3.10 No elected member of Fife Council is eligible to be a member of the Community Council. If a member of the Community Council is elected to the Council, they will be considered to have resigned from the Community Council the day after the result of the Local Government election is declared.
- 3.11 A person holding office as an elected member of the Community Council will not act in the office of a Community Councillor unless they have signed a declaration accepting the office and undertaking to fulfil the duties of it according to the best of their judgement and ability, in accordance with this Scheme and undertaking to meet the code of conduct outlined in **(Schedule 3)**.
- 3.12 If a declaration is not made and delivered to the Head of Legal and Democratic Services within two months of being elected or appointed, that person will be considered to have resigned.

## **4.0 COMMUNITY COUNCIL ELECTIONS**

- 4.1 Elections under this Scheme will be held in accordance with rules for Community Council Elections made by Fife Council. Any rules made by Fife Council will only be made following consultation with the Community Councils in Fife.
- 4.2 The ordinary elections for Community Councils will take place in 2023 and every four years thereafter, outwith local government election years.
- 4.3 Where the number of nominations received is less than half of the number of vacancies that exist, the Community Council will not be established at that time.

## **Eligibility for Membership and Voting**

- 4.4 Voting is open to any individual elector aged 16 and over, within the area of the Community Council, whose name appears on the electoral roll and is registered as a local government elector on the day of Poll.
- 4.5 For membership, all candidates and witnesses at the date of the nomination are required to be registered as a local government elector at an address within the relevant community council boundary.
- 4.6 Any community council member who no longer resides within that community council area is considered to have resigned from that community council.

## **Filling of casual vacancies/vacant places between elections**

- 4.7 Casual vacancies on the Community Council may arise in the following circumstances:
- (a) death of an elected member;
  - (b) resignation of an elected member declared in person or in writing to the Secretary of the Community Council.
  - (c) unreasonable non-attendance at meetings for a period of 6 months. However, at the discretion of the Community Council, a period of leave of absence may be granted to ensure that the active membership remains above the minimum number required;
  - (d) an elected member no longer qualifies as a candidate for election, eg, they cease to be resident within that community council area;
  - (e) the number of nominations received to establish the Community Council is sufficient but less than the number of members to be appointed in terms of population numbers. **(See Schedule 1).**
- 4.8 It is the Community Council's responsibility to advise Fife Council of any changes to its membership. In the event of a casual vacancy or vacancies occurring in the elected membership between ordinary elections, the Community Council will be entitled to fill these vacancies with any person qualified as a candidate for election as a member of the Community Council who will be deemed to hold office as an elected member with voting rights.
- 4.9 A vacancy should be filled by any other reasonable method it chooses e.g. hold a public meeting at which candidates have a chance to state their case before a ballot of Community Council members. The Community Council will make reasonable efforts to publicise the vacancy to allow all sectors of the community to be represented. In the event of vacancies occurring within three months before the date of the next 'Full' election a Community Council may leave the vacancy unfilled until that election.

## **Elected Members**

- 4.10 Persons elected under this Scheme, including persons elected or appointed between ordinary elections to fill vacancies. Elected Members of the Community Council are entitled to speak and vote on any item of business considered by the Community Council.

### **Co-opted members**

- 4.11 Co-opted members may be appointed by the Community Council for any specific purpose by reason of their interest in the community or the area of the Community Council, or their expertise in a specific subject, and whose views would be of assistance to the Community Council, or engaged for the promotion or advancement of any scheme or project falling within the objects of the Community Council.
- 4.12 Any such appointments will not exceed one fourth of the elected members of the Community Council but can be appointed in addition to the full complement of elected members. Any person appointed as a Co-opted member will be appointed for a specified period determined by the Community Council but not beyond the next elections of Community Councils.
- 4.13 Co-opted members are entitled to speak but not vote on any item of business considered by the Community Council.

### **Nominated Members**

- 4.14 The Community Council may make provision to invite organisations operating within its area to nominate members to serve on the Community Council. Where the Community Council makes this provision, the number of nominated members must not exceed one fourth of the elected members of the Community Council.
- 4.15 Nominated members will not be entitled to vote on any item of business considered by the Community Council.

### **Ex-Officio Members**

- 4.16 Fife Council Elected Members whose area of representation includes any part of the area of the Community Council will be ex-officio members of the Community Council. As such, they are not be entitled to hold office and will not be entitled to vote on any item of business considered by the Community Council.
- 4.17 Elected members of the Scottish, UK and European Parliaments, whose wards or constituencies fall wholly or partly within the geographical area of the Community Council area, are entitled to become ex-officio members of the Community Council with no voting rights.

### **Additional Members – Royal Burgh of St. Andrews Community Council**

- 4.18 In addition to members appointed as above, the Royal Burgh of St. Andrews Community Council will include three persons appointed by the Student Representative Council, who are students at the University of St. Andrews and have been elected to the Student Representative Council.

## **5.0 APPOINTMENT AND REMOVAL OF OFFICE BEARERS**

### **APPOINTMENT OF OFFICE BEARERS**

- 5.1 At the first meeting of the Community Council after an election – convened within one calendar month of the election – every Community Council:
- (a) will elect one of its elected members to the position of Chairperson;
  - (b) may elect one or more of its elected members to the position of Vice-Chairperson;
  - (c) will elect one of its elected members to the position of Secretary; and
  - (d) will elect one of its elected members to the position of Treasurer.
- 5.2 Office bearers will be appointed for a minimum period of one year but may be appointed for the term of office, until the next community council election.
- 5.3 A member of the Community Council can hold any 2 of the posts of Chairperson, Vice-Chairperson, Secretary or Treasurer, at the same time, with the exception that a member cannot be both Chairperson and Vice-Chairperson. An office bearer will hold no more than 2 office bearer positions.
- 5.4 The inaugural meeting will, at its outset, be chaired by a Fife Council Elected Member for the area or any other person appointed to do so by Fife Council.

### **REMOVAL OF OFFICE BEARERS**

- 5.5 If an Office-Bearer of the Community Council is not performing their duties to the satisfaction of the Community Council, a motion to remove that Office Bearer from their post can be considered at a meeting of the Community Council, as long as notice has been given on the agenda for the meeting and the Office Bearer concerned has been given reasonable opportunity to be heard.
- 5.6 If such a motion is passed (agreed) by a two thirds majority of the current total number of elected members on the Community Council, then the office bearer concerned will be considered to have been removed from that post and the post will require to be filled as the next item of business at that meeting.
- 5.7 Any Community Councillor who becomes or acts as an election agent for a prospective candidate for local government or parliamentary elections covering part or all of the area of the Community Council, should not hold office in the Community Council during the period of the candidature. That period will commence on the day on which a candidate is nominated and will continue until the day of the election. The Community Council should appoint a temporary replacement from within its elected members for the duration of that period.

## 6.0 MEETINGS

### First Meeting

- 6.1 The first (inaugural) meeting of every newly established Community Council will be called by Fife Council and will take place within one calendar month from the date of the election.
- 6.2 The business of the first meeting for all Community Councils will include adoption of a Constitution and Standing Orders, appointment of Chairperson, Vice-Chairperson, Secretary/Minute Secretary and Treasurer and any outstanding business matters from the outgoing Community Council.
- 6.3 Adoption of this Scheme by the Community Council as the Constitution (or the Community Council's own Constitution, approved by Fife Council) should be in place within 3 months of the Community Council's inaugural meeting.

### Meeting Frequency

- 6.4 The Community Council will hold in every year as many meetings as it believes necessary and in an election year, will hold a meeting within one calendar month from the date of the election. However, the Community Council will meet no less than quarterly, one of which meetings will be an **Annual General Meeting which will consider and approve the examined financial statement for submission to Fife Council.**
- 6.5 The time, day and venue for meetings of the Community Council should have regard to the availability of its members and the ease of access of the venue for members of the general public.

### Quorum

- 6.6 No business will be transacted at a meeting of the Community Council unless at least 40% of the actual number of elected members or 3 of such members (whichever is the greater) of the Community Council are present.

### Public Access to Meetings

- 6.7 All meetings will be widely advertised so that all the electorate has the opportunity to be informed of the meeting. Public places which serve the Community Council area should be identified where notices will be placed to advertise meetings, this may include websites and social media.

Except for the circumstances outlined below, all meetings of the Community Council will be open to the general public and held in locations which are accessible for all. The Community Council will encourage public participation in its meetings and should include provision on the agenda for input from members of the public present.

- 6.8 The Community Council may resolve to exclude the public (including the Press) from a meeting of the Community Council during consideration of an item of business where it is likely that, if members of the public are present, there would be disclosure to them of:-

- (a) information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the Community Council;
- (b) information relating to the financial or business affairs of any particular person (other than the Community Council);
- (c) any terms proposed or to be proposed by or to the Community Council in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services relating to that Community Council;
- (d) any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:-
  - (i) any legal proceedings by or against the Community Council; or
  - (ii) the determination of any matter affecting the Community Council, (whether, in either case, proceedings have been commenced or are in contemplation).
- (e) information relating to individuals nominated for civic awards (for example, Citizen of the Year) prior to the announcement of the recipient. For the avoidance of doubt this does not apply to discussions relating to the filling of a vacancy arising from the resignation of an elected member of the Community Council.
- (f) Information relating to a complaint against a Community Councillor, either that they are not a fit and proper person to be a member of the Community Council or inappropriate behaviour or conduct in their role as a Community Councillor.

### **Special Meetings**

6.9 A special meeting may be called:-

- (a) on the requisition of the Chairperson of the Community Council;
- (b) on requisition of at least one fourth of the elected members of the Community Council; or
- (c) a requisition of twenty electors for the area of the Community Council.

6.10 The meeting will be held within 21 days of receipt by the Secretary of the Community Council of a requisition stating the reason for the requisition. It will only be necessary to call such a meeting if, *in the opinion of the Chairperson*, the subject matter of the requisition cannot be dealt with at the next ordinary meeting of the Community Council.

6.11 Any decisions taken in private, together with the reason for taking the decision in private, will be recorded in the minute and reported to the next meeting of the Community Council.

- 6.12 Public notification will be given of the place, time, date and agenda of all Community Council meetings except Special Meetings convened by the Community Council to consider complaints against individual Community Councillors.

### **Committees**

- 6.13 The Community Council may form committees to consider specified matters and may arrange for the discharge of any of its functions by such a committee.
- 6.14 When a committee is established, details of the membership and terms of reference will be included in the minutes of the Community Council, and a record kept of that remit publicly online.
- 6.15 If a committee is appointed to discharge any of the functions of the Community Council, a majority of the members of the committee will be elected members of the Community Council. Meetings of such committees will be open to the general public as observers.
- 6.16 Where a Committee is formed which has no decision-making powers but rather will make recommendations to the Community Council, it will not be necessary to hold those meetings in public.
- 6.17 Minutes of the proceedings of any committee will be presented to the next meeting of the Community Council.
- 6.18 If the Community Council arranges to establish an informal working group, the purpose or remit of that Working Group should be fed back in the formal Community Council minutes. An informal working group will not have decision making powers.

### **Minutes**

- 6.19 Minutes of the proceedings of a meeting of the Community Council and its committees, as necessary (including proceedings to which the public are excluded) will be drafted and circulated to Community Council members within 7 days of a meeting and will be presented for formal approval at the Community Council's next scheduled meeting.
- 6.20 Non-confidential draft minutes will be made available at this time, by posting minutes of meetings in public places such as libraries, notice boards, editorials in the local press and/or on appropriate social media, eg, the Community Council's website, highlighting that the minute is to be considered draft until formally approved by the Community Council at its next scheduled meeting. The Community Council is responsible for maintaining its own website.
- 6.21 The draft final minute will then be circulated to Community Council Members at least 7 days before the date of the next meeting - unless circumstances otherwise allow - for formal approval by members at the meeting. NB: if there are any agreed amendments to the draft final minute, a revised final minute will require to be made available as outlined at 6.20 above.
- 6.22 Publication of agendas and minutes will be subject to the provisions contained within the General Data Protection Regulation (GDPR) and the Data Protection Act 1998.

## **Declarations of Interest**

- 6.23 The rules on declaration of interest are intended to produce transparency, in regard to interests which might influence, or be thought to influence, the actions of a Community Councillor.
- 6.24 Whether before or during any meeting of the Community Council, a member of that Community Council becomes aware that they, or any person connected with them, has an interest in or relating to any matter to be or being considered however minor, e.g. planning, licensing, financial etc. The member(s) shall withdraw from the meeting during consideration of this item of business and shall take no part in the discussion or decision thereon. **All declarations of interest must be formally minuted.**

## **7.0 CONSULTATION AND REPRESENTATIONS**

- 7.1 Fife Council recognises Community Councils as bodies which should be consulted and informed over matters of mutual interest and will make appropriate arrangements for information being supplied to Community Councils to enable them to ascertain, co-ordinate and express to Fife Council and other bodies the views of the communities they represent.
- 7.2 These arrangements are incorporated in a good practice agreement detailing expectations regarding consultation and support by Fife Council. The agreement includes a protocol regarding the attendance of Fife Councillors at Community Council meetings. The agreement will be monitored and reviewed from time to time in consultation with Community Councils.
- 7.3 Fife Council recognises its statutory duty to consult on planning matters and has set up appropriate mechanisms to allow this to happen (**See Schedule 5**).
- 7.4 Community Councils may also make representations to Fife Council and other public and private agencies, on matters for which it is responsible and which it considers to be of local interest.
- 7.5 Fife Council will facilitate advice and assistance to Community Councils and arrange for the establishment of a training programme for Community Councils on the duties and responsibilities of Community Council office bearers, the role of Community Councils, the functions of Fife Council and other relevant topics.

## **8.0 FINANCE AND ACCOUNTS**

8.1 Fife Council will, each financial year, set aside funds of an amount determined by it towards the general running costs of Community Councils.

8.2 This sum will consist of the following:-

- (a) an amount to cover insurance, paid directly to the insurance company by Fife Council which will include public liability, employers' liability, loss and theft of money, personal accident, libel and slander and limited all risks cover for equipment;
- (b) a fixed basic grant for all Community Councils, which will be used in the first instance to cover the main administrative costs including:
  - Auditors' fees
  - Stationery
  - Postage
  - Travel costs
  - Accommodation lets (where meetings are held outwith Council premises)
  - Bank charges
  - Advertising
  - General publicity and promotional materials
  - Consultation with the community
  - Financial assistance to local groups and projects within the Community Council area
- (c) a per capita allowance per head of population of the area of the Community Council (population figures will be updated annually in line with General Register of Scotland population estimates); and
- (d) reimbursement of any fee paid in association with the requirement for Community Councils to notify in terms of Data Protection.

The level of each of these elements will be agreed by Fife Council.

8.3 Community Councils will be advised each year of its maximum grant allocated, based on the above.

8.4 Prior to the grant being paid, the Community Council will submit the independently examined statement of accounts and/or balance sheet, a bank statement detailing the bank balance as at 31<sup>st</sup> March of the previous financial year and a request for a required sum up to the maximum allocation.

8.5 The grant will be paid to Community Councils via BACS. Grants must be claimed by the end of December of that year.

8.6 In determining the amount payable to the Community Council, Fife Council will take into account any surplus funds held by the Community Council. Fife Council may consider that the year's Annual Grant is not required where:

- (i) the surplus funds are from the grant previously given by Fife Council and not from the Community Council's own fund-raising efforts, and
- (ii) the surplus funds are not being held by the Community Council for a specific future project which would require to be detailed in the annual accounts; and
- (iii) the Community Council's expenditure in the previous financial year was less than 80% of that year's annual grant; or
- (iv) the cumulative balance of the surplus funds being carried forward exceeds 3 times the annual grant.

8.7 All monies raised by or on behalf of the Community Council will be applied to further the purposes of the Community Council and for no other purpose.

8.8 The Community Council will keep books and/or records of income and expenditure in accordance with the Financial Guidelines provided by Fife Council. The Treasurer will be responsible for keeping proper accounts of the finances of the Community Council. The accounts will be examined at least once a year by an independent examiner appointed by the Community Council. The Community Council must resolve to appoint an independent person for the purpose of examining the Community Council's accounts.

8.9 The Community Council will open an account in the name of the Community Council with a Bank or Building Society. The Community Council will authorise in writing at least 3 of its members, one of whom will be the Treasurer, to sign cheques on behalf of the Community Council. All cheques must be signed by not less than 2 of the 3 or more authorised signatories.

8.10 In carrying out its duties, the Community Council will not incur expenditure in excess of the sum provided by way of grant unless funds to meet this additional expenditure have been raised by the Community Council itself to cover this.

8.11 Local Community Groups will be eligible to apply to Community Councils for grants insofar as they meet with the objects of the Community Council and the Community Council funds permit.

8.12 The financial year of the Community Council will coincide with that of Fife Council (1st April to 31st March).

8.13 Fife Council reserves the right to withdraw funding if the Community Council fails to comply with the provisions of this Scheme or any legal obligations, which it is required to meet.

8.14 The Community Council will be eligible to apply for appropriate Fife Council grants for qualifying projects – details here: <https://www.fife.gov.uk/kb/docs/articles/council-and-democracy/community-group-support-and-funding/fife-grants>.

## **9.0 LIABILITY OF COMMUNITY COUNCIL MEMBERS**

- 9.1 A scheme of insurance liability cover has been arranged. The insurance liability cover becomes effective upon Fife Council advising the insurance underwriter of the establishment of the Community Council. A summary of the policy is available from Fife Council's Risk Management Section - email: [risk.management@fife.gov.uk](mailto:risk.management@fife.gov.uk).

## **10.0 HERITABLE PROPERTY**

- 10.1 The Community Council may, with the consent of Fife Council, which consent will not be unreasonably withheld, acquire and hold heritable property, the title to which will be taken in the name of the Chairperson, Vice-Chairperson(s), Treasurer and Secretary for the time being as trustees for the Community Council and their respective successors in office.

## **11.0 CONTRACTS**

- 11.1 The Community Council will not enter into any agreement or contract with any party which extends for a period in excess of 6 months without the prior written consent of Fife Council.
- 11.2 Fife Council will not unreasonably withhold such consent and, in considering an application by the Community Council for such consent, will have regard among other things to:
- (i) the proposed period of the agreement or contract;
  - (ii) the parties to the proposed agreement or contract;
  - (iii) the financial and other obligations on any of the parties to the proposed agreement or contract; and
  - (iv) the suitability of the subject matter of the proposed agreement or contract in relation to the purpose of the Community Council.

## **12.0 EQUALITIES**

- 12.1 Recognition should be given to the contribution of everyone participating in the work of the Community Council. The Community Council must comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.
- 12.2 In fulfilling its purpose or carrying out any function, the Community Council will recognise that people may face discrimination on the grounds of their sex or marital status, on racial grounds, on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political beliefs and will not discriminate in any of these ways.

### **13.0 ENVIRONMENT**

13.1 The Community Council will have regard to the impact on the environment of all its activities and will ensure as far as possible that any projects which it promotes or funds contribute to sustainable development. The Community Council will promote good environmental practices, such as recycling, within the community.

### **14.0 COMMENTS AND COMPLAINTS**

14.1 The Community Council will encourage comments and suggestions on the exercise of its role under this Scheme.

14.2 If a complaint is made against the Community Council or individual Community Councillor, the procedure outlined in **Schedule 4** will apply.

### **15.0 DATA PROTECTION**

15.1 Where a Community Council handles personal data, the Community Council is required to adhere to all relevant legislation and must register with the Information Commissioner's Office (ICO). There is a cost of £40 a year for data protection registration and each Community Council is responsible for registering with the ICO for data protection. The annual fee should be paid using the Community Council's discretionary grant. See ICO website for further information - [Data protection fee | ICO](#)

### **16.0 DISSOLUTION OF A COMMUNITY COUNCIL**

16.1 Representations and/or decisions in reference to dissolution of a Community Council should be considered as a last resort and ideally to be avoided. All efforts should be taken in accordance with the Scheme to ensure that all Community Council members are included in exploring options which may avoid a Community Council being dissolved.

16.2 If the Community Council decides that it is advisable to dissolve the Community Council, it will call a public meeting, giving no less than 21 days' notice, stating the terms of the resolution to be proposed. If a decision is confirmed by two thirds majority of those present, the Community Council will, after payment of all debts and liabilities, transfer the assets to Fife Council to be held in trust for a future Community Council if established or to such other organisation as Fife Council may determine.

16.3 If the membership of the Community Council falls below 50% of the maximum permitted membership under this Scheme for a continuous period of 6 months despite efforts to fill casual vacancies, the Community Council will be dissolved and a formal interim election held to re-establish the Community Council.

16.4 If the Community Council is found to be in breach of this Scheme or a complaint against the Community Council is upheld in accordance with the provisions in (**See Schedule 4**), a recommendation may be made to Fife Council that the Community Council is dissolved.

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

## **17.0 POLITICAL ACTIVITIES**

17.1 The Community Council must not be party political. It must not take part in activities relating to sponsoring, endorsing or opposing the election of any candidate or party to the United Kingdom, Scottish Parliaments or local elections. This includes the Community Council being involved in any party-political issues. In determining whether the Community Council has breached the requirement to be non-party political, due regard will be taken of the actions of the Community Council, the time and other circumstances of the actions and the likely effect of the actions in relation to the public or part of it. In particular, the following matters will be considered:-

- (a) Whether the actions of the Community Council refer to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not another; and
- (b) Where the Community Council supports a campaign that seeks to influence voters in favour of, or against, a particular political party or candidate.

## **18.0 BREACH OF THE SCHEME**

18.1 Any failure to comply with this Scheme and associated documents and guidance may result in Fife Council taking action against the Community Council concerned. This includes the dissolution of the Community Council, withholding or pursuing the repayment of grant monies, or recovery of assets belonging to a dissolved Community Council.

18.2 Each breach of the Scheme will be dealt with on its own merits and investigated accordingly.

### **Additional Information Resources:**

- Scottish Community Councils (organisation): [www.communitycouncils.scot](http://www.communitycouncils.scot)
- Scottish Government – Community Empowerment: Community Councils: <https://www.gov.scot/policies/community-empowerment/community-councils>
- Improvement Service - <https://www.improvementservice.org.uk/>
- Scottish Public Services Ombudsman – Complaints Handling Practice Guide - [https://www2.spsso.org.uk/sites/spso/files/csa/DealingWithProblemBehaviour\\_SPSOGuideUpdated.pdf](https://www2.spsso.org.uk/sites/spso/files/csa/DealingWithProblemBehaviour_SPSOGuideUpdated.pdf)
- Data Protection - [fife.gov.uk/privacy](http://fife.gov.uk/privacy) / Fife Council Data Protection Officer contact: [dataprotection@fife.gov.uk](mailto:dataprotection@fife.gov.uk).
- Information Commissioner’s Office - [Data protection fee | ICO](http://Data protection fee | ICO)

## GLOSSARY OF TERMS

### **Committees**

Committees may be formed either to discharge a specific function of the Community Council (such as dealing with consultations on planning applications) or to consider a topic on a one-off basis. Depending on the remit, the committee may or may not have delegated authority to make decisions. The Community Council minutes must detail the membership and remit, including the extent of their authority, of any established sub-committees. Minutes of the proceedings of any sub-committee will be presented to the next meeting of the Community Council, either for noting or approval dependent upon the delegation to the committee. Where the committee is making decisions, the meetings will require to be held in public.

### **Constitution**

A written document setting out the aims and purposes of an organisation and how it is governed. This Scheme of Establishment may be adopted as the Community Council's Constitution.

### **Co-opted Members**

Co-opted members are generally appointed for their expertise or interest in a specific matter the Community Council has to consider. They need not be eligible to stand as a member of the Community Council and although entitled to speak on any matter they may not vote on any item of business considered by the Community Council. The total number of co-opted members on the Community Council must not exceed one quarter of the total elected membership.

### **Declaration of Acceptance**

Every Community Councillor requires to complete and sign a declaration accepting the office of Community Councillor and undertaking to fulfil the duties to the best of their ability and to meet the standards of conduct in Schedule 3 to this Scheme.

### **Elected Member**

A person elected to the Community Council at an ordinary or interim election, or outwith a formal election process to fill a casual vacancy. Elected members have full voting rights.

### **Heritable Property**

Assets, such as land or buildings, which are fixed and cannot be moved.

### **Interim Elections**

An election organised by the local authority between ordinary elections usually to enable the establishment of a Community Council not previously established at the ordinary elections.

### **Nominated Members/**

**Nominated Members**

A nominated member will represent a specific organisation operating within the area on the invitation of the Community Council. Nominated members are not entitled to vote and the total number of nominated members may not exceed one quarter of the total elected members of the Community Council.

**Ordinary Election**

An election organised by the local authority to appoint members to all Community Councils within Fife, arranged on a 4-yearly basis.

**Quorum**

The minimum number of elected members who must be present to enable the Community Council to make decisions. This is currently 40% of the actual number of elected members or 3, whichever is the greater.

**The Scheme**

Scheme for the Establishment of Community Councils in Fife - This document provides a minimum framework governing the establishment and operation of Community Councils in Fife (adopted as a Constitution).

**Standing Orders**

The rules which determine how the meetings and business of the Community Council will be conducted.

## SCHEDULE 1

### BOUNDARIES, POPULATION AND NUMBER OF ELECTED MEMBERS

Number on Plan	Community Council (including details of sub-divisions if any, showing split of elected membership)	Elected Membership (with effect from 2021)	Population (as at 2018 per KnowFife dataset)
26.	Abbeyview (Dunfermline)	16	7474
90.	Abdie and Dunbog	8	474
35.	Aberdour	10	1901
50.	Auchmuty/Woodside (Glenrothes)	15	6602
87.	Auchtermuchty and Strathmiglo - Auchtermuchty (3) Strathmiglo (3) Gateside (3) Dunshalt (3)	12*	3945
36.	Auchtertool	8	476
101.	Balmerino, Gaudry, Kilmany and Logie	10	1371
97.	Balmullo	10	1556
23.	Bellyeoman (Dunfermline)	13	4083
13.	Benarty	14	5738
42.	Bennochty and Hayfield	18	9983
4.	Blairhall	8	1008
75.	Boarhills and Dunino	8	348
59.	Buckhaven and Denbeath	13	4619
37.	Burntisland	15	6822
9.	Cairneyhill	11	2422
78.	Cameron	8	783
46.	Cardenden	15	6051
72.	Carnbee and Arncroach	8	442
10.	Carnock and Gowkhill	10	1114
24.	Central Dunfermline	15	6573
79.A	Ceres & District	10	1559
29.	Charlestown, Limekilns and Pattiesmuir	10	1716
56.	Coaltown of Wemyss	8	675
67.	Colinsburgh and Kilconquhar	8	737
88.	Collesie	8	147
16.	Cowdenbeath	19	10547
91.	Creich and Flisk - Flisk (2) Brunton (2) Luthrie (2) Carphin/Parbroath (2)	8	262
7.	Crombie	8	411
8.	Crossford	11	2415
33.	Crossgates and Mossgreen	11	2792
2.	Culross	8	471
83.	Cults	8	511
95.	Dairsie	8	700
34.	Dalgety Bay and Hillend	18	9942
44.	Dysart	11	2394
58.	East Wemyss and McDuff	11	2065
68.	Elie and Royal Burgh of Earlsferry	8	761
85.	Freuchie	10	1383
82.	Giffordtown and District	8	186
47.	Glenwood (Glenrothes)	15	6857
96.	Guardbridge and District	8	703

<b>Number on Plan</b>	<b>Community Council (including details of sub-divisions if any, showing split of elected membership)</b>	<b>Elected Membership (with effect from 2021)</b>	<b>Population (as at 2018 per KnowFife dataset)</b>
18.	Halbeath & Duloch	18	9645
22.	Headwell (Dunfermline)	12	3661
3A.	High Valleyfield	10	1795
17.	Hill of Beath	8	786
32.	Inverkeithing	13	4871
28.	Izatt Avenue Area and Netherton (Dunfermline)	10	1801
12.	Kelty	15	6858
79.B	Kemback, Pitscottie & Blebo	8	579
64.	Kennoway	13	4996
84.	Kettle	10	1440
1.	Kincardine	12	3066
46A.	Kinglassie	10	1978
74.	Kingsbarns	8	418
19.	Kingseat	8	741
43.	Kirkcaldy East	19	10046
41.	Kirkcaldy North	15	6128
39.	Kirkcaldy West	20	11035
65.	Largo Area	12	3050
66.	Largoward and District	8	402
52.	Leslie	12	3184
98.	Leuchars	12	3437
62.	Leven	18	9139
14.	Lochgelly	16	7008
3B.	Low Valleyfield	8	142
15.	Lumphinnans	8	848
53.	Markinch	12	3538
61.	Methil	17	8937
60.	Methilhill	10	1620
21A.	Milesmark and Baldrige (Dunfermline)	15	6633
55.	Milton and Coaltown of Balgonie	10	1433
93.	Monimail	8	402
92.	Moonzie	8	51
89.	Newburgh	11	2204
100.	Newport, Wormit and Forgan	13	4445
51.	North Glenrothes	19	10742
31.	North Queensferry	10	1060
5.	Oakley & Comrie	12	3132
49.	Pitteuchar, Finglassie and Stenton (Glenrothes)	17	8017
30.	Rosyth	20	13601
73.	Royal Burgh of Crail and District	10	1814
94.	Royal Burgh of Cupar and District	18	9650
86.	Royal Burgh of Falkland and Newton of Falkland - Falkland and surrounding area (8) Newton of Falkland (2)	10	1462
71.	Royal Burgh of Kilrenny and Anstruther, and of Cellardyke	13	4224
38.	Royal Burgh of Kinghorn	11	2886
81.	Royal Burgh of Ladybank and District	10	1621
70.	Royal Burgh of Pittenweem and District	10	1463
76.	Royal Burgh of St. Andrews	20	18171
11.	Saline and Steelend	10	1826
27.	South Dunfermline (formerly Pitcorthie)	17	8728
48.	South Parks and Ribleton (Glenrothes)	13	4947
80.	Springfield	10	1369

Number on Plan	Community Council (including details of sub-divisions if any, showing split of elected membership)	Elected Membership (with effect from 2021)	Population (as at 2018 per KnowFife dataset)
69.	St Monans, Abercrombie and District	10	1211
54.	Star of Markinch	8	472
77.	Strathkinness	10	1054
99.	Tayport Ferryport-on-Craig	13	4180
40.	Templehall	19	10636
45.	Thornton	11	2244
6.	Torryburn & Newmills	10	1088
25.	Touch and Garvock (Dunfermline)	14	5023
20.	Townhill (Dunfermline)	10	1288
21B.	Wellwood (Dunfermline)	8	629
57.	West Wemyss	8	306
63.	Windygates	11	2018

Guidelines for Elected Membership - determined in accordance with population, allowing for exceptions to suit local circumstances (exceptions are indicated\* above):-

<u>Elected Membership</u>	<u>Population</u>
8	1,000 or less
10	1,001 - 2,000
11	2,001 - 3,000
12	3,001 - 4,000
13	4,001 - 5,000
14	5,001 - 6,000
15	6,001 - 7,000
16	7,001 - 8,000
17	8,001 - 9,000
18	9,001 - 10,000
19	10,001 - 11,000
20	11,000 or more

## **SCHEDULE 2**

### **MODEL STANDING ORDERS FOR COMMUNITY COUNCILS**

#### **1.0 CHAIR**

- 1.1 The Chair shall be responsible for the general conduct of the meetings and shall, among other things -
- (a) preserve order and ensure that every Community Council member has a fair hearing;
  - (b) decide on all matters of order, competency and relevancy;
  - (c) determine all questions of procedure in reference to which no express provision is made in legislation or under these Standing Orders.
- 1.2 The ruling of the Chair on all matters within his/her jurisdiction as Chair is final.
- 1.3 In the case of an equality of votes at any meeting of the Community Council, the Chair, or in his/her absence, the Vice-Chair, shall have a second or casting vote, except where the matter which is the subject of the vote relates to the appointment of a member of the Community Council to any particular office or Committee, in which case the decision shall be by lot.

#### **2.0 CONDUCT**

- 2.1 At meetings of the Community Council -
- (a) the Chair, or in his/her absence, the Vice-Chair, shall take the chair; in the absence of the Chair and Vice-Chair, the members present shall appoint one of their number to be Chair for the meeting;
  - (b) every member of the Community Council shall address the Chair;
  - (c) the Chair shall be heard without interruption;
  - (d) if any member of the Community Council disregards the authority of the Chair, or is guilty of obstructive or offensive conduct, a motion may be moved and seconded to suspend the member for the remainder of the meeting; the motion shall be put without discussion and, if carried, such member shall then immediately leave the meeting; and
  - (c) the Chair shall be entitled, in the event of any disorder arising, to adjourn the meeting to a time he/she may then or afterwards fix.

3.0 **MEETINGS OF THE COMMUNITY COUNCIL**

3.1 The Community Council shall meet *[insert venue]*

4.0 **NOTICE OF COMMUNITY COUNCIL MEETINGS**

4.1 Public notice of the time and place of a Community Council meeting shall be given by posting it [3] clear days at least before the meeting, or if the meeting is convened at shorter notice, then at the time it is convened.

4.2 Notification to members of the time and place of the meeting shall be given by being left at or sent by post or by e-mail to the usual place of residence, or the place of business of every member of the Community Council at least [6] days before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened.

5.0 **ADJOURNMENT OF MEETING**

5.1 The Community Council may adjourn any meeting to such time as the Chair and Secretary may then or afterwards fix.

5.2 When an adjourned meeting is resumed, proceedings shall commence at the point at which they were broken off at the adjournment.

6.0 **QUORUM**

6.1 A quorum shall consist of the greater of at least 40% of the actual number of elected members or three of such members of the Community Council entitled to vote upon the question before the meeting.

6.2 If a quorum is not present, the Chair shall adjourn the meeting for 15 minutes and, after this time has passed, the Chair shall close the meeting if a quorum is still not present.

6.3 (a) No business shall be transacted at a meeting of the Community Council unless the greater of at least 40% of the actual number of elected members or three of such members of the Community Council are present.

(b) Nothing in Standing Orders 6.1 and 6.2 shall preclude members of the Community Council agreeing to continue to meet where the meeting would otherwise be inquorate to discuss business in which event the Secretary or such other person appointed by members present shall take a note of the discussion and recommendations of the members and the note shall be submitted to the next meeting of the Community Council for decision by the Community Council.

6.4 Subject to Standing Order 6.1, the proceedings of the Community Council shall not be invalidated by reason of any vacancy among the members, or any defect in the appointment of any member.

#### 7.0 **APPROVAL OF MINUTES**

7.1 At each Community Council meeting the minutes of the previous meeting shall be submitted for approval. After the minutes have been approved as a correct record of the meeting to which they relate, subject to or without amendment, they shall be signed by the Chair.

#### 8.0 **MOTIONS AND AMENDMENTS**

8.1 Every motion, or amendment, shall be moved and seconded and shall, if required by the Chair, be reduced to writing and handed to the Secretary, and in that case shall be then read before it is further discussed or put to the meeting. A member shall not move or second more than one amendment upon a motion.

8.2 A member who speaks shall speak strictly to the motion under discussion, or to a motion or amendment to be proposed by himself, or to a point of order.

8.3 A motion or amendment once moved and seconded, shall not be withdrawn without the consent of the mover and seconder thereof.

8.4 Every amendment must be relevant to the motion to which it is moved. The Chair shall decide as to the relevancy and shall have the power, with consent of the meeting, to conjoin motion or amendments which are not inconsistent with each other.

8.5 All additions to, omissions from, or variations upon a motion shall be considered as amendments to the motion and shall be disposed of accordingly.

#### 9.0 **VOTING**

9.1 Voting shall be by a show of hands, unless one third of the members present and entitled to vote at the meeting signify their objection. The Community Council will then require to decide whether the vote should be taken by ballot or by calling the roll.

9.2 When only one amendment is made upon a motion, the vote shall be taken between the amendment and the motion in that order. Where there is more than one amendment, the amendment last proposed shall be put against that immediately preceding, and then the one which is carried shall be put against the next preceding, and so on until there remains only one amendment. this amendment shall then be put against the motion and whichever is carried shall be the finding of the meeting.

#### 10.0 **REVOKING, CANCELLING OR REPEALING (RESCISSION OF) PREVIOUS RESOLUTIONS**

10.1 No resolution of the Community Council shall be altered or revoked within six months of its adoption, except by a Notice of Motion to that effect, specified in the circular calling the meeting.

## 11.0 **DECLARATIONS OF INTEREST**

11.1 Whether before or during any meeting of a Community Council a member of that Council becomes aware that he/she or any person connected with him/her has an interest in or relating to any matter to be or being considered he/she shall declare such interest. A member who declares a financial interest, or a non-financial interest which he/she considers would cause a member of the public, knowing all the relevant facts and acting reasonably, to form the view that he or she might be influenced by that interest shall withdraw from the meeting during such consideration and shall not speak or vote on any question relating to the matter. Such declarations of interest shall be recorded in the minutes of the meeting.

## 12.0 **REQUIREMENT OF CONFIDENTIALITY**

12.1 Any information presented in confidence to the Community Council or any matter discussed in confidence at a meeting of the Community Council shall be treated as confidential to the Community Council by any person -

- (a) to whom such information has been presented; or
- (b) who was present during any such discussion of it.

## 13.0 **PUBLIC ACCESS TO MEETINGS**

13.1 A meeting of the Community Council shall normally be open to all members of the public.

13.2 The Community Council may, however, decide to excuse the public from a meeting or part of a meeting where -

- (a) information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the Community Council;
- (b) information relating to the financial or business affairs of any particular person (other than the Community Council);
- (c) any terms proposed or to be proposed by or to the Community Council in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services relating to that Community Council;
- (d) any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:-
  - (i) any legal proceedings by or against the Community Council; or
  - (ii) the determination of any matter affecting the Community Council (whether, in either case, proceedings have been commenced or are in contemplation).

14.0 **COMMITTEES**

- 14.1 The Community Council shall appoint such committees or sub-committees as they consider necessary.
- 14.2 The Standing Orders of the Community Council shall also be Standing Orders of committees or sub-committees.

15.0 **SUSPENSION OF STANDING ORDERS**

- 15.1 With the exception of Standing Orders 6.4, 11, 12 and 13 any one or more of these Standing Orders may be suspended except where such suspension might lead to an action contrary to law, provided that at least two thirds of the members present vote to do so.

### **CODE OF CONDUCT FOR COMMUNITY COUNCILLORS**

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

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

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

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

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

#### **1. Service to the Community**

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of Fife Council's Scheme of Establishment for Community Councils (2021) as set out by Fife Council under the terms of the Local Government (Scotland) Act 1973.

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

You should ensure that you are, within reason, accessible to your local community and local residents. You should not attend meetings or events in your capacity as a Community Councillor under the influence of any substance which may impair your judgement or conduct.

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

## **2. Selflessness**

You have a duty to take decisions solely in terms of the interests of the community that you represent.

You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

## **3. Integrity**

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

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

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

## **4. Objectivity**

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

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

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

## **5. Accountability and Stewardship**

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

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to Fife Council's Scheme.

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

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

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

## **6. Openness**

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

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

## **7. Honesty**

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

## **8. Leadership**

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

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

## **9. Respect**

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

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

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

**FIFE COUNCIL**

**COMMUNITY COUNCIL**

**COMPLAINTS PROCEDURE**

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## 1.0 Introduction

There will be occasions when complaints are made about decisions taken or action not taken by community councils. Community councils may also receive complaints about the conduct or behaviour of its members.

These guidelines will help community councils to deal with complaints openly and consistently. The complaints procedure is an opportunity for lessons to be learned and practices to be improved. In the majority of cases, the outcome will be advice about a way forward or support to improve processes.

It should be noted that Fife Council has its own process for dealing with complaints by members of the public relating to its decisions, services and officers <https://www.fife.gov.uk/kb/docs/articles/have-your-say2/make-a-complaint>.

## 2.0 What is a complaint?

A complaint is an expression of dissatisfaction or concern relating to the actions of a Community Council or its members and must relate to an alleged breach of the *Standards of Conduct for Community Councillors (See Schedule 3)*. Complaints will be submitted to the relevant Community Council, in the first instance.

**Complaints relating to allegations of criminal activity will be passed to Police Scotland.**

The following are some examples of what might be complained about:

- Inappropriate, behaviour, or conduct of an Community Councillor acting in their role as a Community Councillor, when dealing with a Community Council issue.
- Breaches of confidentiality.
- Inappropriate use of a Community Council's social media (Facebook, Twitter, blogs, etc) email or correspondence not relevant to the remit of the Community Council.
- Discrimination, for example on the grounds of race, gender, disability, age, sexual or religious orientation.
- Generally bringing the Community Council into disrepute.

### **A complaint is not:**

- An issue that is in court or has already been heard by a court or a tribunal
- A disagreement with a properly taken decision
- An attempt to reopen a previously concluded complaint or to have a complaint reconsidered, where a final decision has been reached
- Complaints being dealt with by insurers
- Decisions or complaints regarding Fife Council or its officers
- A request for compensation on a decision the Community Council has made

(This list is not exhaustive)

### **3.0 Who can complain?**

Anyone affected by the actions and decisions of a Community Council or one or more of its members, can make a complaint. A complainant may nominate a third-party representative to make a complaint on their behalf.

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

Anonymous complaints are not generally accepted as they can be difficult to investigate fully. However, if the complaint relates to a sensitive incident or issue, the name of the complainant may be withheld, at their request.

### **4.0 The complaint handling process**

Community Councils should aim to resolve complaints quickly at the time they are made. This could mean an explanation or, where appropriate, an apology if something has clearly gone wrong. And in such cases the guidance provided by the SPSO should be followed [Model Complaints Handling Process.pdf \(spsos.org.uk\)](https://www.spsos.org.uk/Model-Complaints-Handling-Process.pdf).

The community council will also take steps to try to prevent such a problem from happening again.

A complaint can be made in writing or by email to the Chairperson, Secretary or Treasurer. If the complaint is about an office-bearer, they should not handle the complaint and another member of the community council should be identified to handle the complaint.

Complaint responses must always be signed off by 2 community council members.

#### **4.1 Information to include in a complaint**

When complaining to a Community Council, the following should be included:

- Complainant's full name and address, including an e-mail address if possible
- Details of the complaint and what provisions of the code of conduct have been breached
- What outcome the individual hopes to achieve

#### **4.2 Timescale for making a complaint**

Complaints can be accepted within 6 months of the matter that is being complained about. In exceptional circumstances, the Community Council may accept a complaint after the time limit, if adequate reasons are provided for doing so. This will be entirely at the discretion of the Community Council involved.

### **5.0 Handling complaints**

On receipt of a complaint, the Community Council should:

- check that the complaint has been made within 6 months of the event occurring

- check that the complaint is competent, i.e. is not spurious or vexatious and is related to a matter within the remit of the community council to determine

Complaints that fail these checks should be dismissed immediately by the community council. A written response should be sent a within **5 days** of receipt of the complaint, advising that the complaint was not deemed valid because (a) it was not made timeously; and/or (b) it was not competent and provide reasons for this decision.

The Community Council Complaints Procedure provides two opportunities for resolving complaints:-

- **Stage 1 - Frontline Resolution** -. for complaints where something has clearly gone wrong and a swift apology is required; and
- **Stage 2 - Investigation by the Community Council** for complaints that are more complex and require further investigation to determine the facts, where more than one issue is being investigated or where frontline resolution has failed.

Where a complaint is made against a Community Council, rather than an individual community councillor, it may, in certain circumstances, be possible to refer the matter to a **Panel of members comprised of members from other community councils.**

## 5.2 Stage 1 – Frontline Resolution

### 5.2.1 Process

The complaint should be acknowledged in writing within **5 working days** and an expected response timescale provided. The complaint should be passed to the Chairperson, or another appropriate officer bearer (if the complaint relates to the Chairperson).

The Chairperson in consultation with another office bearer of the community council will fully consider the terms of the complaint, seeking additional information as required and determine whether to uphold or not uphold the complaint.

Where it is determined that

- (1) the complaint **is not upheld**, the matter will be noted and no further action will be taken. The complainant will be written to/emailed with a response within **10 working days**
- (2) Where it is determined that the complaint **is upheld**, action will be taken to address and resolve the complaint. This may be an explanation of the circumstances, an apology or where necessary, a referral to Stage 2 of the complaints process. The complainant will be written to/emailed with a response within **10 working days**

If the complainant is unhappy with the response at Stage 1, they can ask that the complaint is considered at Stage 2 by contacting the Community Council and providing reasons. The Community Council in consultation with the complainant may suggest further action to resolve the complaint before progressing to Stage 2.

If the complaint is complex and requires a more detailed investigation, it will be escalated immediately to Stage 2 of the complaints process. The complainant should be notified of this within 5 working days.

### 5.3 Frontline Resolution -Possible outcomes

**Complaint not upheld** - the matter will be noted and no further action will be taken.

**Complaint upheld** – appropriate action will be taken to address and resolve the complaint, as follows:-

- An explanation of the circumstances and an apology.
- A proposal to seek a mutually agreed remedy.
- Information on any changes to be made to avoid problems recurring in the future.

### 5.4 Stage 2 - Investigation

This stage deals with two types of complaint:-

- **Investigation by the Community Council Investigating Panel (the Panel)** for complaints that are more complex and require further investigation to determine the facts, where more than one issue is being investigated or where frontline resolution has failed; or
- **Panel of members from other community councils** where the complaint relates to another community council. If this is required, Fife Council's Community Council Liaison Officer will assist in identifying members for the panel meeting.

All Panel meetings will be held in private and all materials relating to the complaint/investigation will be sent to the Community Council Liaison Officer on completion, for archiving. This will be retained for 3 years as detailed by the Fife Council Retention Guidelines for Community Councils found here: [Community Councils | Fife Council](#).

The Investigating Panel (the Panel) will comprise 3 members of the Community Council who have undertaken basic mediation and conflict resolution training provided by Fife Council. The Chairperson, Secretary and Treasurer of the Community Council will comprise the Panel, unless, (1) the complaint relates to an office-bearer. In such cases another member of the community council should be recruited to the Panel in their place; or (2) where the community council has decided that it would not be appropriate for its members to investigate the complaint. In such cases, the community council must arrange for a panel of 3 members drawn from other community councils in Fife, established to investigate the complaint.

## 5.4.1 Process

- The Panel Chairperson will acknowledge receipt of the complaint in writing within 5 working days
- Depending on the nature of the complaint, the Community Council may decide to suspend the community councillor until a full investigation has taken place. A suspension is not an accusation of guilt but to enable all parties to gather materials regarding the alleged breach in an impartial and fair manner.
- The Panel will determine what further interviews and/or written information is required and will undertake such investigations as they consider appropriate to enable them to reach a decision
- The Panel should arrange to hold a meeting, **in private**, with the complainant and any other party **within 60 days** of receipt of the complaint. Should any party choose not to attend this meeting, the Panel will meet and reach a decision in their absence.
- *A Community Councillor who is the subject of a complaint will not be entitled to attend any Special Meeting convened by the Community Council to consider the complaint against them but the Community Councillor will be entitled to submit written representations for the Panel's consideration.*
- Notice of the meeting and the composition of the Panel must be provided to all named parties at least **10 days** prior to the meeting
- The Panel must share all material/evidence submitted with all named parties no later than **5 days** before the meeting takes place and no late materials/evidence will be accepted, unless exceptional circumstances for doing so can be cited
- If the complaint relates to the behaviour of a member(s) of the community council, the member(s) will (each) be entitled to have support at the meeting, eg a family member or friend, who can provide advice. Any person in a supporting role may not address the Panel.
- The Panel will choose a Chairperson and will then consider the evidence provided by all named parties, invite any further comments from the parties and thereafter decide, by a majority, whether the complaint is upheld, or not upheld, or partially upheld.
- The Panel process is not a legal process and will be held as informally as possible to allow full participation by all parties. However, it is expected that all participants will act courteously and respectfully to others. Should any party behave in an inappropriate fashion, they will be asked to leave the meeting and the Panel will continue its deliberations in their absence.
- Where a complaint is not upheld no action will be taken and the meeting will end; or having reached a decision to uphold or partially uphold the complaint, the Panel should advise all parties of their decision, after which all parties should leave the meeting.
- The Panel will decide, by majority vote, an appropriate course of action and/or any sanctions to apply. The Panel can adjourn and re-convene if necessary. The Chairperson must advise, in writing, all parties of the decision and any outcome within **10 days** of the Panel meeting.
- The community council at its next meeting should inform members that a complaint was received and how it was resolved. The complaint can be recorded in the minute without naming any of the parties involved, unless a member(s) is suspended, resigns or is expelled. Please note, only after all parties have received the Chairperson's letter detailing the outcome of the

Panel's deliberations, can a copy of the decision letter be made available by the Panel to the community council for its records.

## **5.5 Stage 2 -possible outcomes**

Where the complaint is in relation to a Community Council/Councillor's behaviour or actions, the following actions may be considered:

- Offer to provide guidance/training/mentoring
- Suspension from Community Council meetings and activities for a period of time to be agreed by the majority of the Panel
- Censure of behaviour and issue a written warning to behave in accordance with the Standards of Conduct contained in the Scheme for the Establishment of Community Councils
- In serious cases, expulsion of a member from the community council, if approved by the panel's unanimous vote.

## **6.0 Appeal**

**There is no right of appeal against a frontline resolution response or an Investigating Panel's decision.**

### **CONSULTATION WITH COMMUNITY COUNCILS ON PLANNING APPLICATIONS**

The following consultation arrangements/detail meets Fife Council's statutory duty in terms of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and the Planning (Scotland) Act 2019.

Community Councils have a key role in consultation on planning applications.

Community Councils will be consulted on the submission of planning applications for proposed developments that are categorised as being of national or major scale or of significance to the community. Community Councillors may also be invited to attend events held by applicants to inform members of the community about the development proposed prior to submission of a planning application. Community Councils may also request to be consulted on specific applications once the application has been submitted.

Once a planning application is submitted it will be recorded on the weekly list of applications and the e-planning website compiled by the planning authority and made available to Community Councils. If the Community Council wishes to be consulted on an application not directly referred to it by the planning team, it must timeously contact the planning officer concerned.

To support Community Councillors in this role, the Council will make efforts to brief Community Councillors on new planning legislation when it is enacted. Community Councillors should make themselves available to attend such training sessions where reasonably possible.

#### **Sequence of Events:**

- (1) All Community Councils are sent a weekly list of all planning applications.
- (2) Where the Community Council is a statutory consultee, i.e. where the development could affect the amenity in the area of the Community Council, they will be consulted directly. Where they are not deemed to be a statutory consultee, they can request formal consultation within 7 working days of the issuing date of the weekly list.
- (3) Following a formal request, a minimum 14 day consultation period is initiated, beginning on the date of issue of the application details.
- (4) Copies of the relevant plans and forms can be accessed by Community Councils via the Fife Council web page - [Link to Planning applications | Fife Council](#). The 'Planning Applications Online' system also provides the opportunity for Community Councils to register a geographical area of interest and receive notification by email of all applications submitted within that area.
- (5) The case officer is identified on the weekly list to assist the Community Council, e.g. for further discussion or information.

- (6) Community Councils are also informed whether the planning application will be considered by the Area Planning Committee or whether it is an application which could be determined under powers delegated to officials.
- (7) Informal consultation and discussion may also take place with appropriate Council officers if requested by the Community Council or if considered necessary by Economy, Planning & Employability.
- (8) Community Councils may be asked by the applicant to participate in pre-application consultation before the submission of a planning application for national or major development. The pre-application consultation will comprise a minimum period of 12 weeks community engagement which must include at least one public event.
- (9) A Community Council which covers an area within or immediately adjoining a site of a major or national application in Fife will be advised that a proposal of application notice has been submitted. This notice and the subsequent application will also appear in the Weekly List of Applications.
- (10) It is the role of Community Councils to consult the wider community on planning issues which affect them to the extent to which it is feasible within the resources of the Community Council.

The above consultation procedure is the minimum level of service provided. In some instances specific consultation arrangements may be agreed with individual Community Councils to suit their particular requirements.

**FIFE COUNCIL**

**COMMUNITY COUNCIL ELECTION  
RULES**

**Effective from 11<sup>th</sup> March, 2021**

## COMMUNITY COUNCIL ELECTIONS

### **Returning Officer**

1. The Returning Officer for Community Council Elections in Fife is the Chief Executive of the Fife Council. The Returning Officer will request the updates to the Electoral Register on behalf of any Community Council for which a poll is required.

### **Frequency of Elections**

2. The ordinary elections for Community Councils take place every four years.

### **Day of Election**

3. In every year in which ordinary elections for Community Councils are held, the day of the election is the second Thursday in October or an alternative day as the Returning Officer determines.
4. Where a Community Council considers that a significant portion of the electorate within the Community Council area will be disadvantaged by the date chosen for the elections either by way of affecting those electors' ability to stand as candidates or to vote in the election, then the Community Council may request in writing that the election for that Community Council be postponed for a period of up to 6 months no later than the sixty seventh day before the day of the election. Any postponement will be granted at the discretion of the Returning Officer.

### **Timetable**

5. The proceedings at the election will be conducted in accordance with the following timetable.

<b><u>Proceeding</u></b>	<b><u>Time</u></b>
Publication of Notice inviting electors in the areas of Community Councils to apply in writing for the establishment of a Community Council.	Not later than the sixtieth day before the day of the election.
Publication of Notice of Election	Not later than the forty-first day before the day of the election.

## Proceeding

## Time

Deadline to Register to Vote to be able to stand as candidate

Candidates must be included in update of the register published on or before the twenty-eighth day before the day of election to be able to stand in that election.

The deadline for registering to vote to stand as a candidate will depend on the date of election but will be approximately two months in advance of the date of the election.

The Returning Officer will advise Community Councils of the relevant date in advance of each election.

Delivery of nomination papers

Not later than 4.00 p.m. on the twenty-eighth day before the day of election.

Publication of statements as to persons nominated

Not later than 4.00 p.m. on the twenty-third day before the day of election.

Delivery of notices of withdrawals of candidature.

Not later than 4.00 p.m. on the twentieth day before the day of election.

Deadline to Register to Vote to be able to vote in election

An elector must be included in the update of the register to be used to create the register for the election to be able to vote in that election.

The deadline for registering to vote will depend on the date of election but will be approximately one month in advance of the date of the election.

The Returning Officer will advise Community Councils of the relevant date in advance of each election.

Notice of poll

Not later than the sixth day before the day of election.

Day of Election

Postal ballot papers to be returned to the Returning Officer no later than 4 p.m. on the date set by the Returning Officer.

### **Notice of Election**

6. (1) The Returning Officer will publish a notice of the election stating -
- (a) the place and times at which nomination papers are to be delivered, and
  - (b) the date of the poll in the event of a contest.

The notice shall state that forms of nomination papers may be obtained at that place and those times.

### **Nomination of Candidates**

7. (1) Each candidate will be nominated by a separate nomination paper, (see Appendix 1) delivered at the place fixed for the purpose by the Returning Officer or by a signed, scanned copy to a nominated email address to the Returning Officer.
- (2) The nomination paper will state the -
- (a) candidate's full names (the surname to be placed first in the list of names),
  - (b) candidate's home address in full,
  - (c) name which the candidate wishes to appear on the ballot paper if different from the full name, and
  - (d) whether a candidate wishes their address or the statement 'resident in the Community Council area' to appear on the Statement of Persons Nominated and, if necessary, the ballot paper.
- (3) Each candidate must sign their nomination paper before submitting it to the Returning Officer.

### **Decisions as to Validity of Nomination Papers**

8. (1) Where a nomination paper and the candidate's consent to it are delivered in accordance with these rules, the candidate shall be deemed to stand nominated unless -
- (a) the Returning Officer decides that the nomination paper is invalid; or
  - (b) proof is given to the Returning Officer's satisfaction of the candidate's death; or
  - (c) the candidate withdraws.

- (2) The Returning Officer is entitled to hold a nomination paper invalid on one of the following grounds -
  - (a) the particulars of the candidate are not as required by the scheme for the establishment of Community Councils in Fife or these rules; and
  - (b) the paper is not signed as required.
- (3) As soon as practicable after each nomination paper has been delivered, the Returning Officer will examine it and decided whether the candidate has been validly nominated.
- (4) Where the Returning Officer decides that a nomination paper is invalid, he or she will endorse and sign on the paper that it is invalid and provide reasons for his or her decision.
- (5) The Returning Officer will send notice of the decision that a nomination paper is valid or invalid to each candidate at his or her home address as given in his or her nomination paper.
- (6) The Returning Officer's decision regarding the validity of a nomination paper will be final.

#### **Publication of Statement of Persons Nominated**

9. (1) The Returning Officer will prepare and publish a statement showing the persons who have been, and stand, nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.
  - (2) The statement will show the names and addresses of the persons nominated as given in their nomination papers.
  - (3) The statement will show the persons standing nominated, arranged alphabetically in the order of their surnames and if there are two or more of them with the same surname, in alphabetical order of forename(s) and other names.
  - (4) In the case of a person nominated by more than one nomination paper, the Returning Officer will take the particulars required from one of the papers as the candidate (or the Returning Officer in default of the candidate) selects.

#### **Inspection of Nomination Papers**

10. Between the hours of 9 a.m. and 5 p.m. on any working day, after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect nomination papers.

#### **Withdrawal of Candidates**

11. Not later than 4.00 p.m. on the twentieth day before the poll a candidate may withdraw his or her candidature by notice of withdrawal -

- (a) signed by him or her and attested by one witness, and
- (b) delivered to the Returning Officer at the place for delivery of nomination papers.

### **Nomination in More Than One Area**

12. A candidate who is validly nominated for more than one Community Council must withdraw in all those areas except one, and if he or she does not withdraw, he or she shall be deemed to have withdrawn from all those areas.

### **Uncontested Elections**

13. (1) If the number of persons remaining validly nominated for the area of the Community Council after any withdrawals does not exceed the number of councillors to be elected, such person or persons shall be declared to be elected.
- (2) The Returning Officer will, as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature -
- (a) declare to be elected the persons remaining validly nominated; and
  - (b) give public notice of the name of each such person.

### **Contested Elections - Method of Election**

14. If the number of persons remaining validly nominated for the area of the Community Council after any withdrawals exceeds the number of councillors to be elected, a poll will be taken

### **Poll to be Taken by Postal Ballot**

15. (1) The votes at the poll will be by postal ballot and the result will be ascertained by counting the votes given to each candidate. Each elector will have as many votes as there are vacancies but will only be able to vote once for any particular candidate. The candidates receiving most votes, up to the number to be elected, will be elected to the community council. Every local government elector in the community council area will receive a ballot paper and a person entitled to vote at an election may only do so by post.
- (2) There will be no provision for the issue of poll cards or proxy, postal proxy or emergency proxy votes.

### **The Ballot Papers**

16. (1) The persons remaining validly nominated for the area of the Community Council after any withdrawals under these rules, will have their names inserted on the ballot paper.

- (2) Every ballot paper (see Appendix 2) will include the names and other particulars of the candidates as shown in the statement of persons nominated and each ballot paper will be individually numbered.
- (3) The order of the names in the ballot paper will be the same as in the statement of persons nominated.
- (4) The format of the ballot papers will be as illustrated in Appendix 2 to these rules or to like effect.

### **The Official Mark**

17. (1) Every ballot paper will have an official mark.
- (2) The official mark will be secret and the same mark at elections for the same area will not be used for at least 5 years.

### **Candidates' Statements**

18. (1) Each candidate, if they so wish, will be given the opportunity to provide a short statement in support of their candidature of no more than 50 words. Should a poll be needed then the candidates' personal statements will be circulated to all eligible electors with their ballot papers.
- (2) All material contained in a candidate's statement will be the sole responsibility of the candidate and neither the Returning Officer nor Fife Council will be responsible for the content.
- (3) No pictures, photographs, diagrams or logos may be incorporated into a candidate's statement.
- (4) If a candidate's statement exceeds 50 words, the statement will be published with only the first 50 words included.
- (5) The Returning Officer will not circulate any statements which contain material which would be unlawful for the Council to publish. In particular, the Returning Officer will not circulate material which is obscene, defamatory, likely to incite racial hatred or which appears to be designed to support a political party.
- (6) The Returning Officer reserves the right to refrain from publishing any statements which are contrary to these rules.

### **Issue of Ballot Papers**

19. The Returning Officer will, as soon as practicable after the deadline for the delivery of notices of withdrawals of candidature (see Rule 5 above), send each elector at the address in respect of which he or she is registered or the address at which he or she is registered as an absent voter, a ballot paper together with instructions for completing it with an envelope for its return and a copy of any candidates' statements submitted.

### **Envelope**

20. The envelope which the Returning Officer is required by rule 19 above to send to a voter for the return of the ballot paper is referred to as a "covering envelope".

### **Refusal to issue ballot paper**

21. Where a Returning Officer is satisfied that two or more entries in the absent voters list or in the register relate to the same elector, he or she will not issue more than one ballot paper in respect of the same elector in respect of any one election.

### **Delivery of ballot papers**

22. (1) For the purposes of delivering ballot papers, the Returning Officer may use -
- (a) a universal postal service provider; or
  - (b) a commercial delivery firm.
- (2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to voters will be counted and delivered by the Returning Officer with a receipt to be endorsed by that provider or firm.
- (3) Delivery of all envelopes addressed to voters and all covering envelopes will be pre-paid by the Returning Officer.

### **Prohibition of Disclosure of Vote**

23. No person who has voted at the election will, in any legal proceeding to question the election, be required to disclose who they voted for.

### **Spoilt Ballot Papers and Covering Envelopes**

24. (1) If a voter has inadvertently dealt with his or her ballot paper in such manner that it cannot be used as a ballot paper (referred to as "a spoilt ballot paper") he or she may return it (either by hand or by post) to the Returning Officer along with the covering envelope before 4 p.m. on the day before the day of poll for a replacement. Any spoilt ballot papers returned on the day before poll must be returned by hand.
- (2) If a voter has inadvertently dealt with his or her covering envelope in such manner that it cannot be used as a covering envelope (referred to as "a spoilt covering envelope") he or she may return it (either by hand or post) to the Returning Officer before 4 p.m. on the day before the day of poll for a replacement. Any spoilt covering envelopes returned on the day before poll must be returned by hand.

- (3) On receipt of the documents referred to in rules 24 (1) or (2) above, the Returning Officer will issue another ballot paper or covering envelope, as the case may be.

### **Lost ballot papers**

25. (1) Where an elector has not received his or her ballot paper by the fourth working day before the day of the poll, he or she may apply (whether or not in person) to the Returning Officer for a replacement ballot paper.
- (2) Such an application must include evidence of the elector's identity.
- (3) Where the application is received by the Returning Officer before 5.00 p.m. on the day before the day of the poll, the Returning Officer will issue another ballot paper if he/she -
  - (a) is satisfied as to the elector's identity; and
  - (b) has no reason to doubt that the elector did not receive the original ballot paper.
- (4) The Returning Officer will enter in the list of lost ballot papers -
  - (a) the name and number of the elector as stated in the register; and
  - (b) the number of the lost ballot paper and of its replacement.

### **Handing replacements for Spoilt or Lost Ballot Papers and covering envelopes**

26. Where an elector applies in person for a replacement ballot paper or covering envelope in terms of rules 24 and 25, the Returning Officer may hand a replacement ballot paper and covering envelope to him or her instead of delivering it in accordance with rule 22 above.

### **Death of a Candidate**

27. In the event that a candidate dies, the poll will proceed at the discretion of the Returning Officer. This will not apply if, on the death of a candidate, the total number of candidates does not exceed the maximum permitted members within the Community Council area.

### **Opening of ballot boxes**

28. (1) The Returning Officer will provide one or more ballot boxes for the receipt of ballot papers.
- (2) Every ballot box referred to in rule 28 (1) above will be marked "ballot papers" and with the name of the community council area for which the election is held.

- (3) Covering envelopes received by the Returning Officer until the close of the poll, normally up until 4.00 p.m. on the day of poll unless otherwise agreed by the Returning Officer, will be placed in the ballot box or boxes.
- (4) The Returning Officer will make provision for the safe custody of all ballot boxes.
- (5) Every ballot box will be opened at the counting of the votes under rule 33 of these rules.

### **Timing of the Count**

29. The Returning Officer will make arrangements for counting the votes in the presence of the candidates and their counting agents as soon as practicable after the close of the poll. This will normally be 10 a.m. on the first working day after the close of poll, unless otherwise agreed by the Returning Officer.

### **Appointment of counting agents**

30. (1) Each candidate may appoint such number of counting agents as the Returning Officer considers appropriate to attend at the counting of the votes.
- (2) Notice in writing of the appointment of counting agents, stating the names and addresses of the persons appointed, shall be given by the candidate to the Returning Officer not later than 1 week before the day of the poll.

### **Attendance at counting of votes**

31. (1) The Returning Officer will give the counting agents notice in writing of the time and place at which counting of the votes will begin.
- (2) No person other than -
  - (a) the Returning Officer and his or her staff,
  - (b) the candidates and their partners, and
  - (c) the counting agents,may be present at the counting of the votes, unless permitted by the Returning Officer to attend.
- (3) A person not entitled to attend at the counting of the votes will not be permitted to do so by the Returning Officer unless he or she is satisfied that the efficient counting of the votes will not be impeded.
- (4) The Returning Officer will give the counting agents all reasonable facilities for overseeing the proceedings and all information as he or she can give them consistent with the orderly conduct of the proceedings and the discharge of his or her duties.

### **Notification of requirement of secrecy**

32. Every person attending the proceedings in connection with the opening of ballot papers must maintain and aid in maintaining the secrecy of the voting and must not, except for some purpose authorised by law -
- (a) communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or
  - (b) communicate to any person at any time any information obtained at those proceedings as to the number on the back of the ballot paper sent to any person.

### **Opening of covering envelopes**

33. (1) When a ballot box has been opened, the Returning Officer will count and note the number of covering envelopes and then open each covering envelope separately.
- (2) Where a covering envelope does not contain a ballot paper, the Returning Officer shall mark the covering envelope "rejected", attach it to the contents (if any) of the covering envelope and place it in a separate receptacle (referred to as "the receptacle for rejected votes").
- (3) Where the covering envelope does contain a ballot paper, the Returning Officer will place it in a different receptacle.

### **The Count**

34. (1) The Returning Officer will count the ballot papers duly returned for each contest and record the total number of –
- ballot papers returned,
  - votes cast for each candidate, and
  - rejected ballot papers.
- (2) The Returning Officer will so far as practicable proceed continuously with counting the votes, allowing time for refreshment.

### **Rejected ballot papers**

35. (1) Any ballot paper -
- (a) which does not bear the official mark, or
  - (b) on which votes are given for more than the number of candidates to be elected, or
  - (c) on which anything is written or marked by which the voter can be identified except the printed number on the back, or

- (d) which is unmarked or null and void for uncertainty,  
will, subject to rule (2) below, be null and void and not counted.
- (2) A ballot paper on which the vote is marked -
  - (a) elsewhere than in the proper place, or
  - (b) otherwise than by means of a cross, or
  - (c) by more than one mark,will not be deemed to be null and void if an intention that the vote is for one or other of the candidates clearly appears and the way the paper is marked does not itself identify the voter and it is not shown that he or she can be identified by it.
- (3) The Returning Officer will endorse the word "rejected" on any ballot paper which is not to be counted and will add to the endorsement the words "rejection objected to" if any objection is made by a candidate or counting agent to his or her decision.
- (4) The Returning Officer will produce a statement showing the number of ballot papers rejected, under the following categories -
  - (a) want of official mark;
  - (b) voting for more than the number of candidates to be elected;
  - (c) writing or mark by which voter could be identified;
  - (d) unmarked or null and void for uncertainty.

### **Decisions on ballot papers**

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

### **Equality of Votes**

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

### **Re-count**

38. (1) A candidate may, if present when the counting or any re-count of the votes is completed, request the Returning Officer to have the votes re-counted or again re-counted but the Returning Officer may refuse to do so if in his or her opinion the request is unreasonable.

- (2) No step will be taken on the completion of the counting or any re-count of votes until the candidates present at its completion have been given a reasonable opportunity to exercise the right conferred by rule 38 (1) above.

### **Declaration of Result**

39. (1) In a contested election, when the result of the poll has been ascertained, the Returning Officer will -
- (a) declare elected the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected; and
  - (b) give public notice of the name of each candidate elected and of the total number of votes given for each candidate (whether elected or not) together with the number of rejected ballot papers under each category shown in the statement of rejected ballot papers (see rule 35 (4) above).

### **Sealing up of Election Materials**

40. (1) On the completion of the counting at a contested election the Returning Officer will seal up in separate packets:
- the nomination papers
  - the counted valid ballot papers
  - the rejected ballot papers
  - other election stationery.
- (2) The Returning Officer will not open the sealed packets relating to the election except where necessary in respect of any allegations made in relation to rule 44 (below).

### **Power of the Returning Officer to Correct Errors**

41. The Returning Officer may take such steps as he or she thinks appropriate to remedy any act or omission which arises in connection with any function of the Returning Officer or relevant person has in relation to the election, and is not in accordance with the rules or any other requirements applicable to the election. Any action or steps taken will not invalidate the poll.

### **Delivery of Documents**

42. The Returning Officer will forward to the proper officer of the council the following documents -
- (a) the packets of ballot papers in his or her possession, and
  - (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the community council for which the election was held.

### **Retention of Documents**

43. The sealed packets will be retained by the proper officer of the council for a period of 12 months from the day of poll for the election or until another election is held in the Community Council area, whichever is the shorter.

### **Corrupt, Illegal or Improper Practices**

44. If, in the opinion of the Returning Officer, a candidate who has been elected or anyone on his or her behalf has acted in a corrupt, illegal or improper manner in relation to any election under this scheme then the Returning Officer may declare the candidate's election void.



**Appendix 1**

Received by:
Initials: .....
Date: .....
Time .....

**FIFE COUNCIL  
ELECTION OF MEMBERS FOR THE**

**COMMUNITY COUNCIL**

**NOMINATION PAPER**

1.	CANDIDATE'S SURNAME	OTHER NAMES	HOME ADDRESS

\* I am registered as a local government elector and my electoral register number is.....

I am not a member of Fife Council.

I wish that **my full address\*** / **the statement 'Resides in the Community Council area'**\* appears on the Statement of Persons Nominated and ballot papers. (\*Delete as appropriate)

Signature of Candidate:

.....  
.....

Date:

.....

**This form must be returned to:** The Returning Officer,  
Fife Council,  
(insert address and contact point)

**by no later than 4.00 p.m. on (insert date on which nomination papers to be returned)**

**Sample of Ballot Paper**

**Form of Front of Ballot Papers**

**VOTE FOR NO MORE THAN 5 CANDIDATES**

**YOU CAN ONLY VOTE ONCE FOR ANY CANDIDATE**

1	<b>BROWN</b>  JOHN EDWARD Brown, 2 The Cottages, Dunfermline, Fife.	
2	<b>BROWN</b>  THOMAS WILLIAM Brown, 15 The Cottages, Dunfermline, Fife.	
3	<b>JONES</b>  William David Jones, The Grange, Dunfermline, Fife.	
4	<b>MERTON</b>  Hon. George Travis, (Commonly called Viscount Merton), Barlinton, Fife.	
5	<b>SMITH</b>  Mary Smith, School House, Dunfermline, Fife.	
6	<b>MACDONALD</b>  Elizabeth Macdonald, 3 Ivy Lane, Dunfermline, Fife.	