



SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN FIFE

11 March 2021

Document Version Control

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The Scheme for the Establishment of Community Councils in Fife (2021)

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

This Scheme for the Establishment of 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 31st 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.

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
- 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
- Data Protection - fife.gov.uk/privacy / Fife Council Data Protection Officer contact: dataprotection@fife.gov.uk.
- Information Commissioner’s Office - [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.