

Agenda



Special Meeting of West Dunbartonshire Council

Date: Wednesday, 25 May 2022

Time: 16:00

Format: Hybrid Meeting

Contact: Christine McCaffary, Senior Democratic Services Officer
Email: christine.mccaffary@west-dunbarton.gov.uk

Dear Member

Please attend a special meeting of **West Dunbartonshire Council** as detailed above.

The Convener has directed that the powers contained in Section 43 of the Local Government in Scotland Act 2003 will be used and Members will have the option to attend the meeting remotely or in person at the Civic Space, Council Offices, 16 Church Street, Dumbarton.

The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:-

Councillor James Bollan
Councillor Karen Conaghan
Councillor Ian Dickson
Councillor Diane Docherty
Councillor Craig Edward
Councillor Gurpreet Johal
Councillor Daniel Lennie
Councillor Douglas McAllister
Councillor David McBride
Councillor Jonathan McColl
Councillor James McElhill

Councillor Michelle McGinty
Councillor June McKay
Councillor John Millar
Councillor Lawrence O'Neill
Councillor Lauren Oxley
Councillor Chris Pollock
Councillor Martin Rooney
Councillor Gordon Scanlan
Councillor Hazel Sorrell
Councillor Clare Steel
Councillor Sophie Traynor

Chief Executive
Chief Officers

Date of issue: 19 May 2022

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**SPECIAL MEETING OF
WEST DUNBARTONSHIRE COUNCIL**

WEDNESDAY, 25 MAY 2022

AGENDA

1 STATEMENT BY CHAIR

2 APOLOGIES

3 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in the item of business on this agenda and the reasons for such declarations.

4 RECORDING OF VOTES

The Council is asked to agree that all votes taken during the meeting will be done by roll call vote to ensure an accurate record.

5 REVIEW OF THE SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS **5 - 137**

Submit report by the Chief Officer – Housing and Employability providing an update on the third and final phase of consultation on the Scheme for the Establishment of Community Councils (the Scheme) which ran for 4 weeks from 9 March until 5 April 2022, to present the conclusions and final documents produced.

WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer - Housing & Employability****West Dunbartonshire Council Special Meeting: 25 May 2022**

Subject: Review of Scheme for the Establishment of Community Councils**1. Purpose**

The purpose of this report is to update on the third and final phase of consultation on the Scheme for the Establishment of Community Councils (the Scheme) which ran for 4 weeks from 9 March until 5 April 2022, to present the conclusions and final documents produced.

2. Recommendations**2.1** It is recommended that members:

- Review the findings of the third phase of consultation, as outlined in SCDC report at Appendix 1, including on proposed changes to boundaries;
- Approve the final Scheme (Appendix 2), Model Constitution, Code of Conduct and Standing orders (Appendix 3);
- Approve the Handbook for Community Councils, for publication online and in paper format, as supplementary guidance to the Scheme (Appendix 4);
- Agree to implement the Scheme and associated documents and support Community Council (CC) elections in October 2022.

3 Background

3.1 The process of reviewing and updating the Scheme and associated documents has been ongoing now since February 2021, with timescales being extended due to the pandemic. Whilst this was beneficial in many respects, there were also some challenges, including an element of consultation fatigue and delay in the CC elections.

3.2 The Scheme review was linked to the West Dunbartonshire Community Empowerment Strategy (2019) delivery of which is now well underway in its first year, and considering priorities for the next year. During the review, there has also been some interest in establishing new Community Councils in a couple of areas where there are currently none operating.

3.3 Throughout the three consultation phases there have been various opportunities for community councils, anchor organisations, wider community groups, forums and community members to input, including via the Stronger

Voices Group (SVG), which was established for the purpose of allowing participation in this consultation and co-producing the final documents. Due to the restrictions and guidance in place at the time, much of the consultation was carried out online.

3.4 The third and final phase of consultation has delivered the following:

- A final meeting of SVG to work on the drafts/ final input into the documents. Whilst this was attended by CC representatives only at this stage, there was wider involvement in earlier phases.
- Final opportunity for CCs and other stakeholders to make comments on the drafts.
- A public boundary consultation on the proposed boundary changes which had arisen earlier in the process.
- A meeting with Finance staff to consider issues raised by CCs and incorporate into the handbook.
- Input from Council and CPWD services into the final drafts and Handbook, including compiling a list of service contacts, as had been requested.

3.5 Further details can be found in the Stage 3 Consultation report in Appendix 1. Including a report on the boundary consultation with recommendations to approve 5 out of 6 of the proposals consulted on. Council is asked to approve the proposed changes, where there was support, and for the one which was not supported by the affected community councils not to proceed. Finalised boundaries will then be drawn up for publication with the Scheme and associated documents. See Appendices 2 to 4.

4. Main Issues

- 4.1** The final stage of consultation provided an opportunity for further discussion on the boundaries and exploration of proposed changes, further refinement of the drafts with input from key stakeholders. Whilst there were no new responses received or issues raised, there were various opportunities for any final input and exploration of the implications of some of the boundary proposals.
- 4.2** Drafts were available via the dedicated web page set up as part of the consultation process. There was also considerable re-drafting of the Handbook during this stage incorporating the findings from earlier in the consultation and input in this final stage.
- 4.3** The final meeting of the SVG allowed more detailed discussion on the final content of the Scheme and Handbook, allowing revisions to be made and further consultation with services as required. As far as possible, amendments have been included to reflect the views and requests of those participating in the consultation.
- 4.4** As the consultation process progressed, it became increasingly difficult to elicit responses on the drafts from other than key stakeholders, however there was some high quality discussion and inputs. It has to be recognised that there

was a lot of information for volunteers and community representatives to read and digest throughout the process. The three stage legislative process also affected the length and complexity of the review. This is something which may be revised as a result of the current national review currently underway. Also there may need to be some revisions to our Scheme as a result when the national review is completed.

4.6 As well as updating the Scheme, the review has provided an opportunity to consider and strengthen the role of CCs in the context of community empowerment, and also to increase their representativeness and links with other groups and networks, such as equalities groups/ Forum. This has included work to:

- Modernise the role and remit of CCs and link to contemporary legislative and policy frameworks.
- Revisit the links with CCs and Community Planning partners and the expectations of both.
- Revisit how CCs can be more representative of their communities and what support they will require in order to do this.
- Enable other community stakeholders representing equalities groups, young people, and others, to propose constructive suggestions on how CCs could be strengthened and operate alongside them, helping to build community resilience and their influence.
- Developing a handbook for community councillors and improve communication with Council services.

Full details can be found in the report at Appendix 1. And the draft documents at Appendices 2 to 4 reflect all of the above. It is hoped that such a substantial review will not be required in 2027.

Next Steps

5.1 All stages of the process as set out in legislation are complete and have been reported to West Dunbartonshire Council. All that remains is for the content of the final documents to be approved for publication and implementation. Then for arrangements to be put in place to hold CC elections in October 2022, including publicising community councils in the run up to these elections, working to develop new CCs where there is interest, and supporting CCs to attract new members.

6 People Implications

6.1 There are not direct people implications arising from this report.

7 Financial & Procurement Implications

7.1 There are no direct financial or procurement implications associated with this report.

8 Risk Analysis

- 8.1** Developing and supporting CCs is a key part of the Council's approach to Community Empowerment, as laid out in the Community Empowerment Strategy. Failure to review the Scheme using the correct process could have a negative impact on the reputation of the Council.

9 Equalities Impact Assessment (EIA)

- 9.1** The process has provided an opportunity to 'Equality Proof' the Scheme, increase diversity of membership of Community councils, to improve communication and understanding between community councils and equalities groups. Also their representative role within communities and to support mainstreaming of equalities in the work of Community Councils. It has provided an opportunity to strengthen links between the Equalities Forum, community councils, equalities groups and the Community Council Forum. During the consultation there has been consistent positive feedback on the process and in embedding equality considerations. This has been built upon as the consultation progressed and can be further developed moving forward. West Dunbartonshire Equality Forum members have agreed to work more closely with Community Councils in driving forward greater diversity and inclusion and best equalities practice. A copy of the EIA is included at Appendix Five.

10 Consultation

- 10.1** A comprehensive 3 stage consultation process has been carried out as outlined above with timescales extended due to the pandemic and restrictions being in place during the year.

11 Strategic Assessment

- 11.1** The review of the Scheme has been carried out in a manner to support the community empowerment agenda and the delivery of the Council's Strategic Plan objectives, in particular in relation to meaningful engagement with active empowered and informed citizens who feel safe and engaged.

**Peter Barry, Chief Officer - Housing and Employability
West Dunbartonshire Council**

Person to Contact: Suzanne Mason
suzanne.mason@west-dunbarton.gov.uk

Appendices: Appendix 1 – Report on Stage 3 Consultation, March - June 2021
Appendix 2 - Draft Scheme of Establishment
Appendix 3 - Draft Model Constitution, Code of Conduct & Standing Orders

Appendix 4 – Draft Handbook for Community Councils
Appendix 5 – Finalised Equality Impact Assessment

Background Papers: Review of the Scheme for the Establishment of Community Councils, Special Council: 24 February 2021, 26 August 2021, February 2022.

Wards Affected: All

Supporting best practice in community development

Review of West Dunbartonshire Council's Scheme for the Establishment of Community Councils

**Report on Stage 3 Consultation
March-April 2022**

**Scottish Community Development Centre
27 April 2022**

1 Introduction

West Dunbartonshire Council commissioned the Scottish Community Development Centre (SCDC) to facilitate community engagement in the review of the West Dunbartonshire's existing 2015 Scheme for the Establishment of Community Councils (the Scheme). This independent process complements the Council's own review of Community Councils support arrangements and is linked with ongoing implementation of the [West Dunbartonshire Community Empowerment Strategy and Action Plan](#).

There were 3 public consultation stages for review of the [existing Scheme](#):

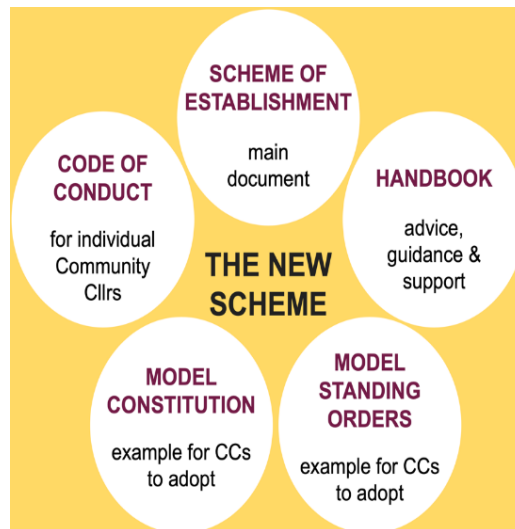
1. **An initial 16 week consultation between 9th March and 29th June 2021 to gather views on boundaries and other issues for possible inclusion in the revised Scheme.** A report was presented to a Special Meeting of West Dunbartonshire Council on 26th August 2021 with an initial draft Scheme of Establishment, which was approved by the Council for public consultation.
2. **A subsequent 16 week consultation between 31st August and 21st December 2021 on a draft Scheme and associated documents.** A number of draft documents were published for consultation and the results agreed at a Special Meeting of West Dunbartonshire Council scheduled for 28th February 2022.
3. **A final 4 week consultation took place from the 8th March 2022 to the 5th April to consider a final draft of the Scheme of Establishment.** The results will be presented to a special full Council meeting in late May 2022.

More detail about the overall review and versions of all of the Scheme documents as they developed during the first two stages are [available here](#).

This report refers solely to the third stage of consultation. The consultation documents shared for comment in the this final stage of the consultation are [available here](#).

2 The third stage of consultation

The third of the three consultations built on the documents, revised as a result of the previous dialogue with relevant organisations and the general public, and also sought views on the new Handbook for Community Councils. The components of the overall Scheme are shown in the diagram below:



Once approved in 2022, the full Scheme document itself will be the overarching framework for the operation of Community Councils in West Dunbartonshire, incorporating the Code of Conduct, Model Constitution and Model Standing Orders as appendices. The Handbook will complement the Scheme with advice, guidance and support information, including links to examples of good practice in community engagement and planning.

Targeting for the third round of consultation was consistent with previous rounds and comprised of:

- **Opportunities for the general public to comment** – An updated [integrated webpage](#) was created about consultation to date, as a public information resource with links to relevant documents. Contact details for Communities team representatives and an SCDC team member were provided to support responses.
- **Community Councils** – Direct email contact was made with all active Community Councils inviting them to respond to the consultation. There were no written responses received during this phase.
- **‘Stronger Voices’ (SVG) group** – The third phase of consultation maintained contact with the wider group of stakeholders from equalities groups, young people’s organisations and other community led structures such as the West Dunbartonshire Tenants and residents organisation, the Community Alliance and Equalities forum. The method for doing so was focused on online sessions with representatives at the Stronger Voices Group. Although two of these were planned, only one was necessary in the end.

3 Overview of comments received

This part of the report provides a summary of responses received through the various engagement channels described above:

3.1 Public consultation

As with all other phases of the consultation a public notice with opportunities to access all relevant documents was published in the press and online on the [Council website](#). Despite satisfying statutory requirements to raise awareness, no responses were received from members of the public. This may raise issues about the extent to which the local press remains a viable method of reaching local people and whether it may be time to extend this type of advertising via a fuller range of online, social media and other methods. Fortunately, key stakeholders have been reached and extensively engaged via other means.

3.2 ‘Stronger Voices’ group (SVG) session on SOE draft documents

Below are the final points raised at the last SVG in March 2022. Attendance at the meeting was limited to members of Community Councils, however the discussion was very constructive with supportive comments rounding out some of the contents of the drafts. Significant numbers of the wider membership submitted their apologies but clearly did not feel the need to attend, nor did they take the opportunity to add anything to the published draft shared with them as individual organisations. Our analysis of this is that other groups engaged with feel that they have already made the points they wish to and that these have been incorporated into the developing drafts of the scheme. Consultation fatigue caused by the elongated timescale is another factor in this.

Following discussion with the SVG we would recommend that the final version of the scheme solidifies links between the Community Councils and the wider youth, equalities and access panel representatives who took part in the work. Proposals to do so have been made in general terms, but we suggest adding some more concrete prompts to ensure that these valuable connections to support community engagement are followed through.

Specific comments made a real contribution to the final thinking. They can be summarized as follows:

Main Scheme Document

Participants were broadly happy with this with the following additional observations.

Community Council Forum

- There is need to further clarify the role of the Community Council Forum (CCF) as this was seen to be of central importance to the successful relaunch and operation of community councils. In particular the Scheme should help to describe:
 - How it functions to enable individuals CCs to work together to tackle wider issues which complement the roles of local CCs themselves.
 - There should be clear links to the CCFs own terms of ref, constitution etc. to ensure that its internal democracy is understood and that it is supported to be representative of the wider community council concerns. It was

acknowledged that the CCF role, remit and powers must be set by CCs reps and not pre-determined by the Council.

- Its current relatively weakened state was recognised as were its past challenges and these need to be addressed to make it the type of organisation needed to support the process.
- It was recognised that since the CCF is central to helping CCs deliver their functions that it should be well supported, including the possibility of securing its own independent resources for staffing and a central premises. This should be driven by its members in the longer term.
- This was particularly important to ensure that investment of volunteer time in the Forum built the collective effectiveness of the local CCs and did not take volunteer energy away from them. This was recognised as a difficult balance to achieve.
- The Scheme should state how the CCF is able to build on the rights of CCs to call senior officers from WDC and other CP partners to attend its meetings. This was deemed to be essential to enable CCs to raise, debate and seek improvements to services affecting the area as whole.
- The Scheme should make clear that it is important and should be an easy process to get appropriate officers to attend local CCs meetings when appropriate.

Elections

These points were made in relation to the main Scheme:

- The point on the timing of elections should be revised with the permitted proximity to other elections reduced to six months. This was in recognition that administrative reasons should not trump democratic accountability for community councils.
- Agreed electoral terms for CCs should be clear in the Scheme, with four years suggested as the norm at the meeting. It is this that should drive the timing of elections rather than the proximity of other elections as a key democratic principle.
- There was a view that closer proximity to other elections might actually enhance interest in the CC election process although it was recognized that it was not practical to hold them simultaneously.
- The need to strive for regular elections was viewed as a basis of the claim to statutory status. It was generally accepted that we should be pushing as hard as practically possible for electoral processes, though it should remain possible for the current approach to deliver functioning CCs where they were not.
- There is a need for some more clarification in the Scheme on the role of CCs in relation to licensing and planning matters relating to bookmakers and takeaway food outlets in addition to existing material on alcohol licenses.
- It was also suggested that there needs to be further clarity on the role of Local Place Plans and this should be included in the scheme.

Model Constitution - There were no other comments in relation to the constitution with attendees content with the revised content.

Standing Orders - There were also no comments in relation to the standing orders

Community Council Finance

The fact that a meeting with finance colleagues had begun to look at revising some aspects of the financial support arrangements for CCs was welcomed, particularly,

- Greater transparency re. the budget for the CCF.
- A more flexible approach to auditing with the need for formal accountant input being removed.
- The potential for more flexibility in the way the terms of use of the admin grant were interpreted.

These points were generally welcomed, as was the commitment for further joint work with the CC forum on these issues. It was thought that these should be included in the Handbook. It was agreed that it would be helpful to explore other issues such as:

- Further exploration of insurance matters, particularly how the CCF/CCs are advised about issues of public liability. This is important as there are event based methods of consultation where such insurance is extremely important and therefore advice, support and additional funding may be needed to support CCs to carry out their statutory functions as effectively as possible.
- Flexibility on the admin grant was welcomed. It was felt that further agreement should be sought to open up this budget to allow for other potential development functions essential to the administration of CCs to be explicitly recognised. This could include the potential to support local events where the community council took the opportunity to consult the community on issues of local interest and concern therefore facilitating their core purpose through community engagement.
- It was felt to be useful to provide budget templates which could encourage CCs to think about the expenditure they need to:
 - Fulfill their core purpose. Including development funding to support community engagement
 - Allocate their admin grant accordingly.
 - Identify areas where they were not funded.
 - Seek additional funds, including from other sources, where required.

The Scheme handbook

- The development of the handbook and its content was welcomed as a resource that helps support CCs in how to do deliver their functions more effectively build confidence amongst CC members and in the wider community.
- It was suggested that due to its size it should be a primarily web based document which helped users navigate the scheme as a whole. It should make use of active links between sections to ease navigation and also to relevant external documents

known to be updated when required. It should also be split into digestible downloadable sections for those who need to access hard copies.

- It was suggested that it should also be produced in a loose leaf folder version as well as online, which would avoid digital exclusion amongst those who do not find it easy to access web based resources and still be easier to update.
- It was agreed that CCs should send examples of local engagement practice to the Communities team and these should be added to the handbook webpages to share best practice on an ongoing basis.

3.3 Boundaries

The first stage of consultation reported on a number of potential boundary changes and further discussion with community councils proposing these took place in stage two. Stage three had a separate online survey on these changes to ensure that they were available for public comment. Results are reproduced in appendix one. There were 19 responses in total, though this is also likely to include Community Councils themselves.

The consultation supported the recommendation of all proposals except the change in boundary between Dumbarton East and Central / Silverton and Overtoun CCs. After local consideration this was no longer supported by the proposers themselves because of the impact on membership and therefore viability of the Dumbarton East and Central CC.

A proposal for the proposed move of the small area by River Leven from Alexandria CC to Balloch CC is also recommended for approval. The rationale for this is to align Community Council boundaries with planning authority boundaries between the Council and the National Park. This will make it simpler for the Community Council and Planning Authorities to deal with planning issues. No residents live in the small area which is proposed to be transferred. The only premises are occupied by the Angling Club, Rowing Club and an electricity sub-station.

4 Conclusions

The consultation process has met its objectives in terms of the statutory requirements of the Scheme review process, but also the Councils broader aims to assist Community Councils in the collective endeavour of achieving greater community empowerment for local communities in line with the Community Empowerment Strategy and Action Plan.

- It has enabled the role and remit of Community Councils to be modernised and linked to contemporary legislative and policy frameworks which will hopefully enhance their influence with a wider range of local Community Planning partners.
- It has revisited what the Council and Community Planning Partners should do to help make this a reality and not simply a policy aspiration.
- It has enabled Community Councils to revisit how they could be more representative of their communities and what support they will require in order to do this.
- It also enabled other community stakeholders representing equalities groups, young people and others to propose constructive suggestions for how Community Councils could be strengthened and operate alongside other community organisations. This will help to build community resilience, local solidarity and increase influence locally.
- The process achieved significant, ongoing engagement from Community Councils to make the case for modernisation and partnership relationships essential to success.
- It helped co-design a menu of support that the groups are clear must be met if they are to fulfil the role and remit emerging from this review. This must be actively resourced if CCs acting in a voluntary capacity are to be able to deliver it.

Additional Learning

Engaging the wider public was not a successful aspect of the engagement processes as doing so through the lens of complicated legal documents is never likely to succeed. To engage the public with a vision for community empowerment and mechanisms in WDC should be an ongoing aim for the Community Empowerment Strategy and this link is now explicit in the Scheme.

The process followed the Statutory Framework for reviewing Schemes, however went much further, engaging more voices in more aspects of the work than is usually the case. The timing of this review is useful as it will allow the council and local communities to add a distinctive voice to thinking about the national review of Schemes for the Establishment of Community Councils, which is ongoing at the moment. However, the existing statutory consultation process is quite old-fashioned, and seems likely to be reformed this year.

The Council's decision to extend timescales increased the scope for involvement but was constrained to some degree by the national three stage process. The combination of the two has led to a very long process where a degree of consultation fatigue set in around the final phase. A shorter process with more use of modern communication techniques (e.g. online and social media) might be more effective in future. It is also unlikely that there will be a need for such a fundamental review when the scheme is next due to be reviewed in 2027.

Appendix 1

WDC CCs boundaries consultation March-April 2022 Report of survey responses

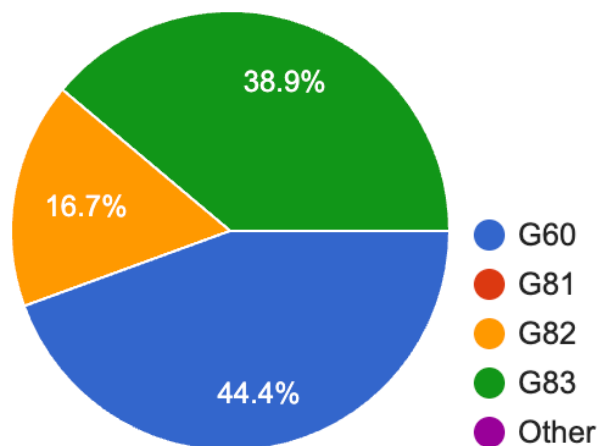
19th April 2022

Introduction

1. The online survey was open to the public for 4 weeks, closing on 5th April 2022.
2. Eight responses were received by that deadline.
3. To enable further responses, the survey was left open for late responses until 19th April 2022.
4. A further 11 responses were received during that additional fortnight, making 19 responses in total.
5. This report summarises all 19 responses.

Place of residence of respondents

Question: before you start, please tell us the first half of your postcode
(18 of 19 respondents replied)

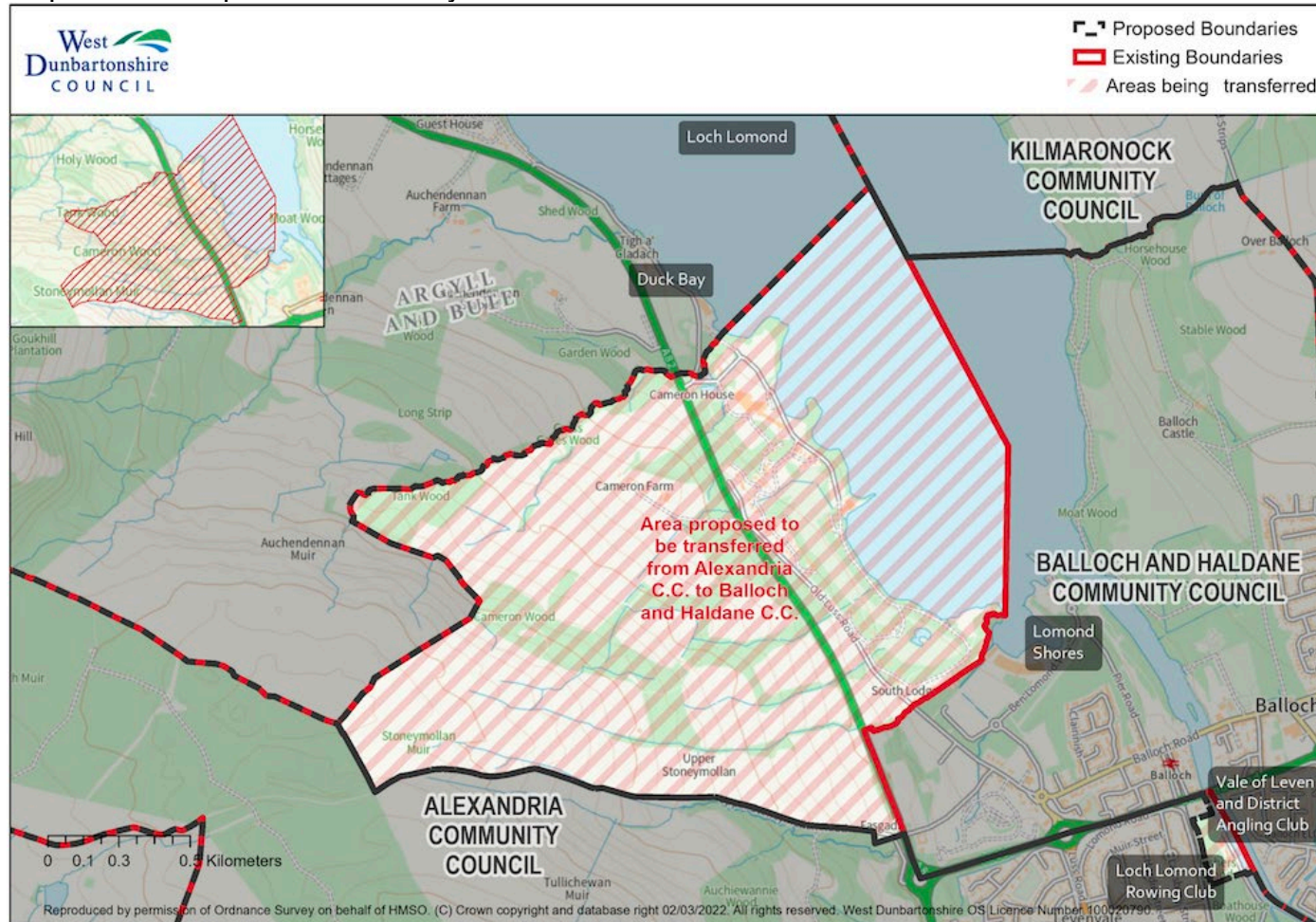


All respondents lived in West Dunbartonshire postcode areas:

G60	Old Kilpatrick, Bowling	8 respondents
G81	Clydebank	0 respondents
G82	Dumbarton, Milton, Renton (and Cardross)	3 respondents
G83	Alexandria, Balloch, Gartocharn (and west bank of Loch Lomond)	7 respondents

1: West Balloch

Map that accompanied the survey:



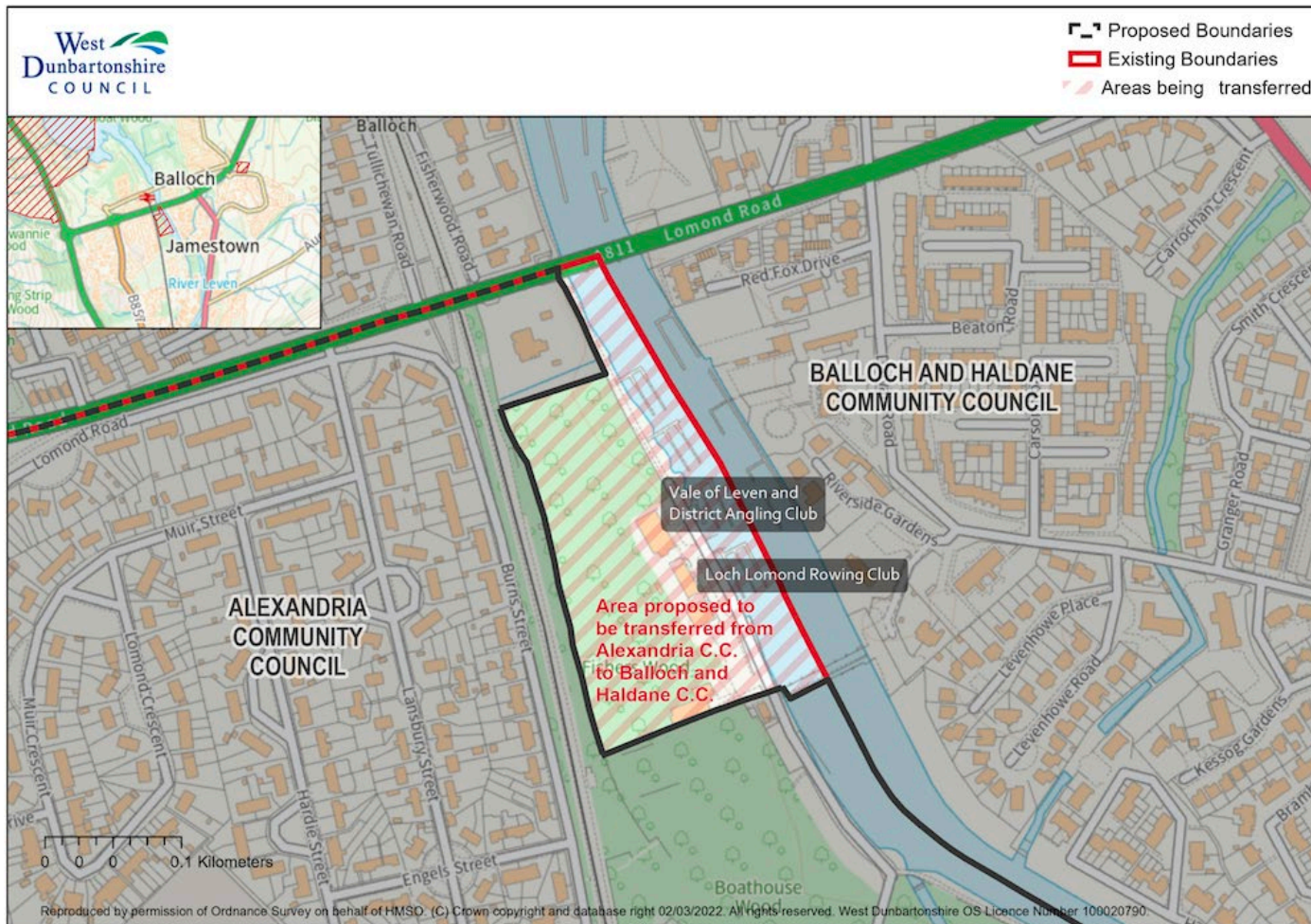
Question: do you agree with this proposed change?

Agree	8
Disagree	0
Don't know / doesn't affect me / no response	11

Question: If you answered 'no', please tell us why...

0 response

2: Balloch - by River Leven



Question: do you agree with this proposed change?

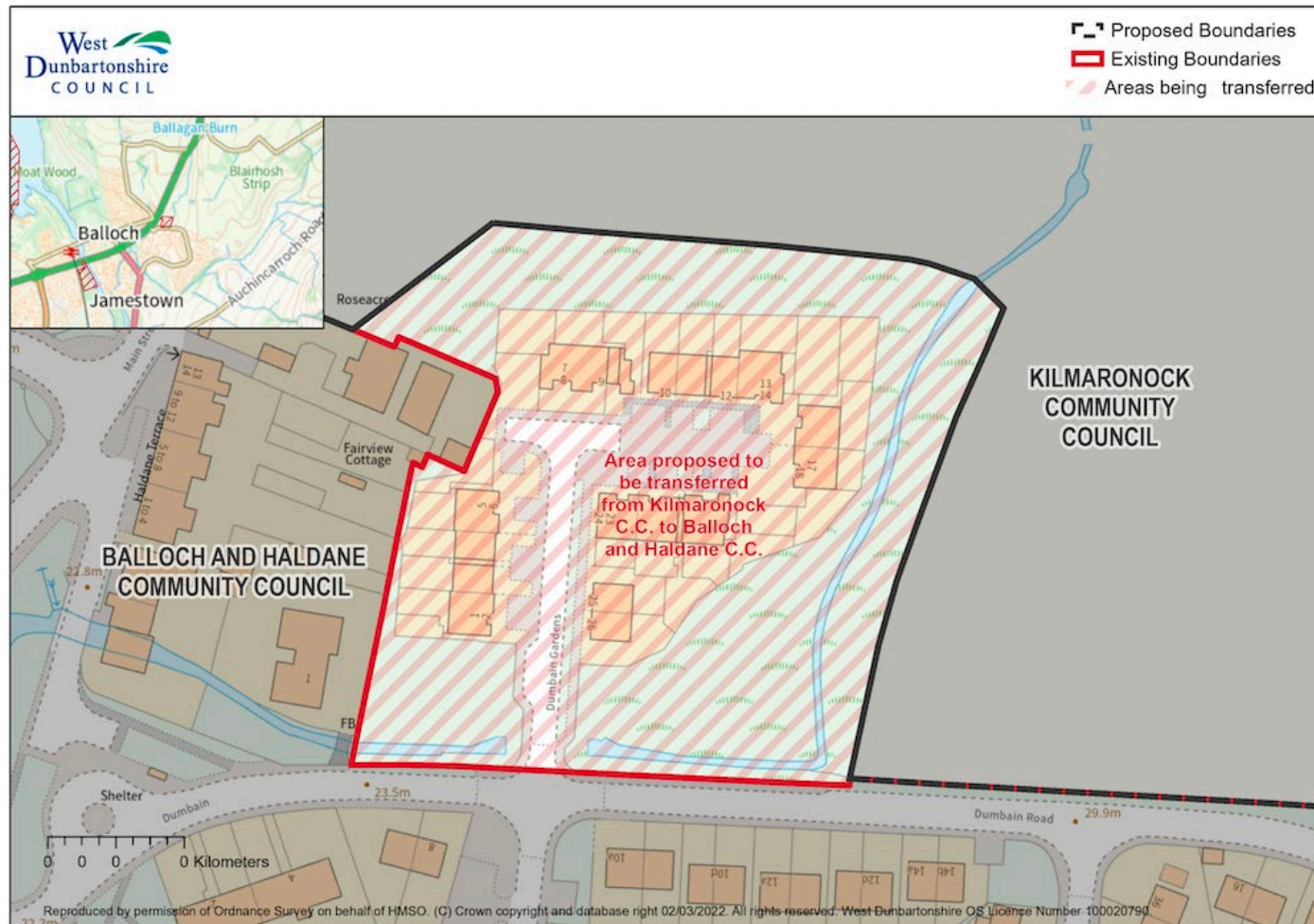
Agree	4
Disagree	2
Don't know / doesn't affect me / no response	13

Question: If you answered 'no', please tell us why...

1 response: *"makes no sense. That area is on the western bank of Leven and is quite clearly part of Alexandria. There must be some reason perhaps if that reason was given then I might be persuaded."*

NB: the reason for the proposed change is to align Community Council boundaries with planning authority boundaries, to make it simpler for the Community Council and planning authorities to deal with planning issues. No residents live in the small area which is proposed to be transferred. The only premises are occupied by the Angling Club, Rowing Club and an electricity sub-station.

3. East Balloch (Haldane)



Question: do you agree with this proposed change?

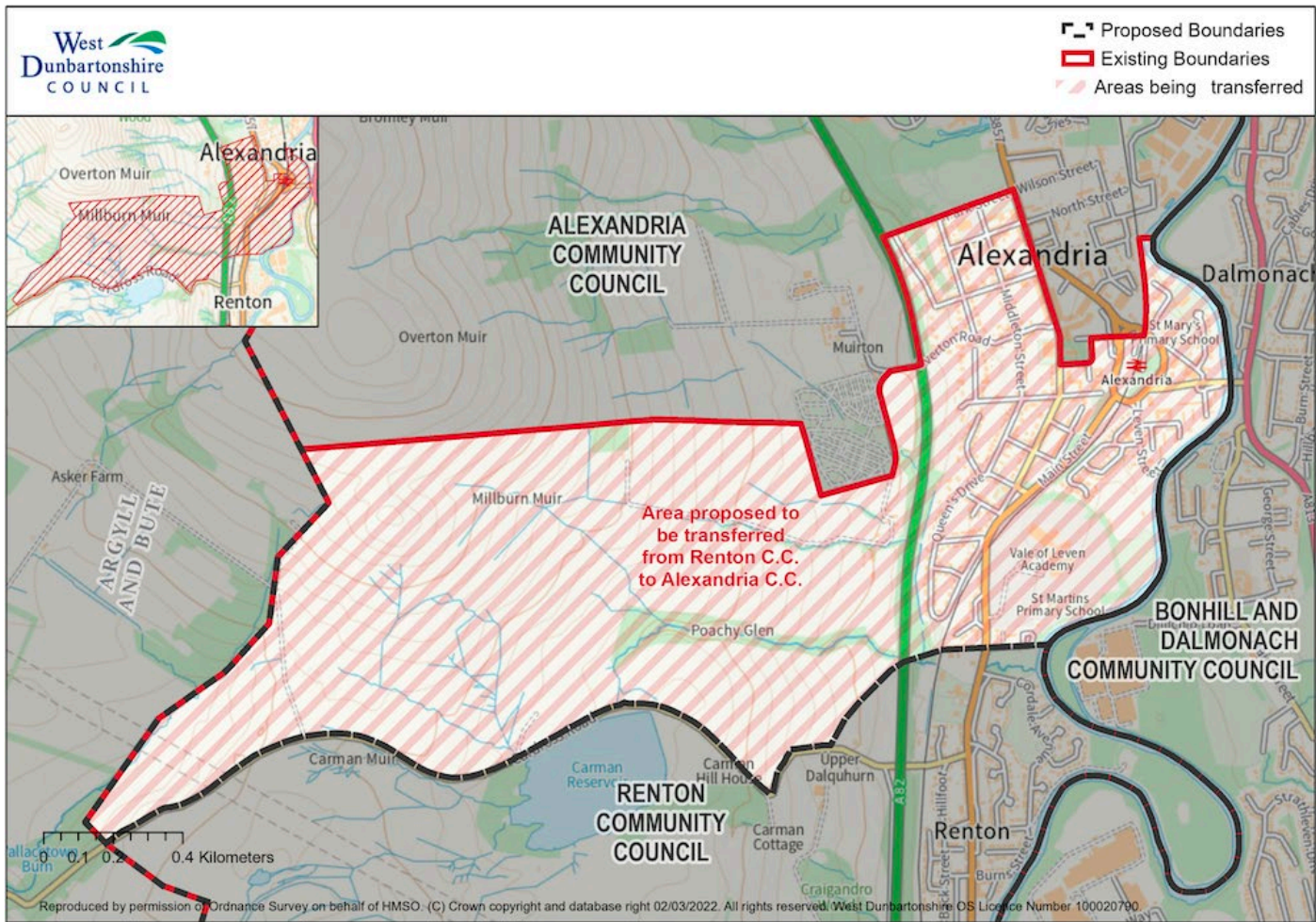
Agree	7
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Disagree	0
Don't know / doesn't affect me / no response	12

Question: If you answered 'no', please tell us why...

0 responses.

4. Alexandria / Renton



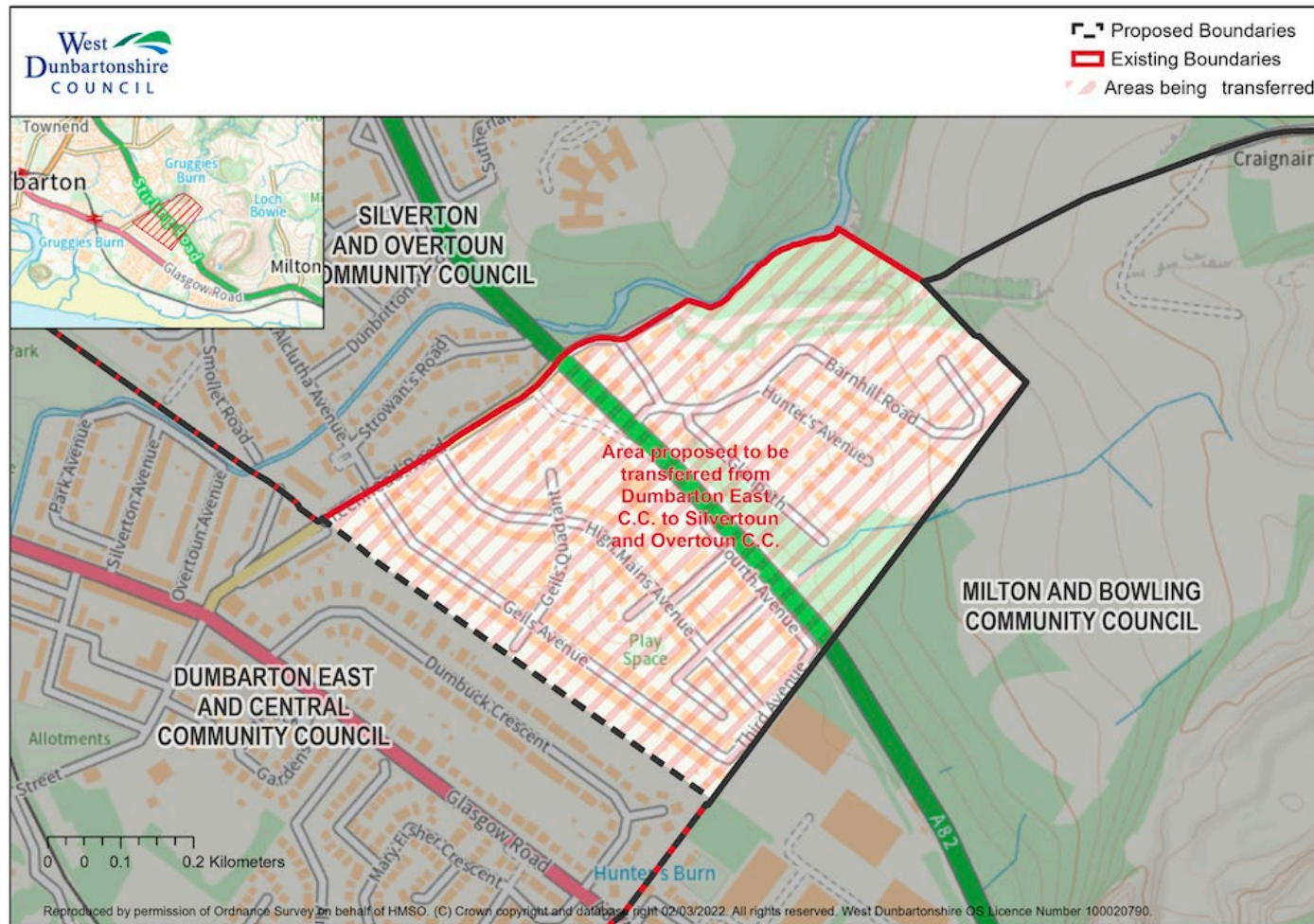
Question: do you agree with this proposed change?

Agree	5
Disagree	0
Don't know / doesn't affect me / no response	14

Question: If you answered 'no', please tell us why...

0 responses.

5. East Dumbarton



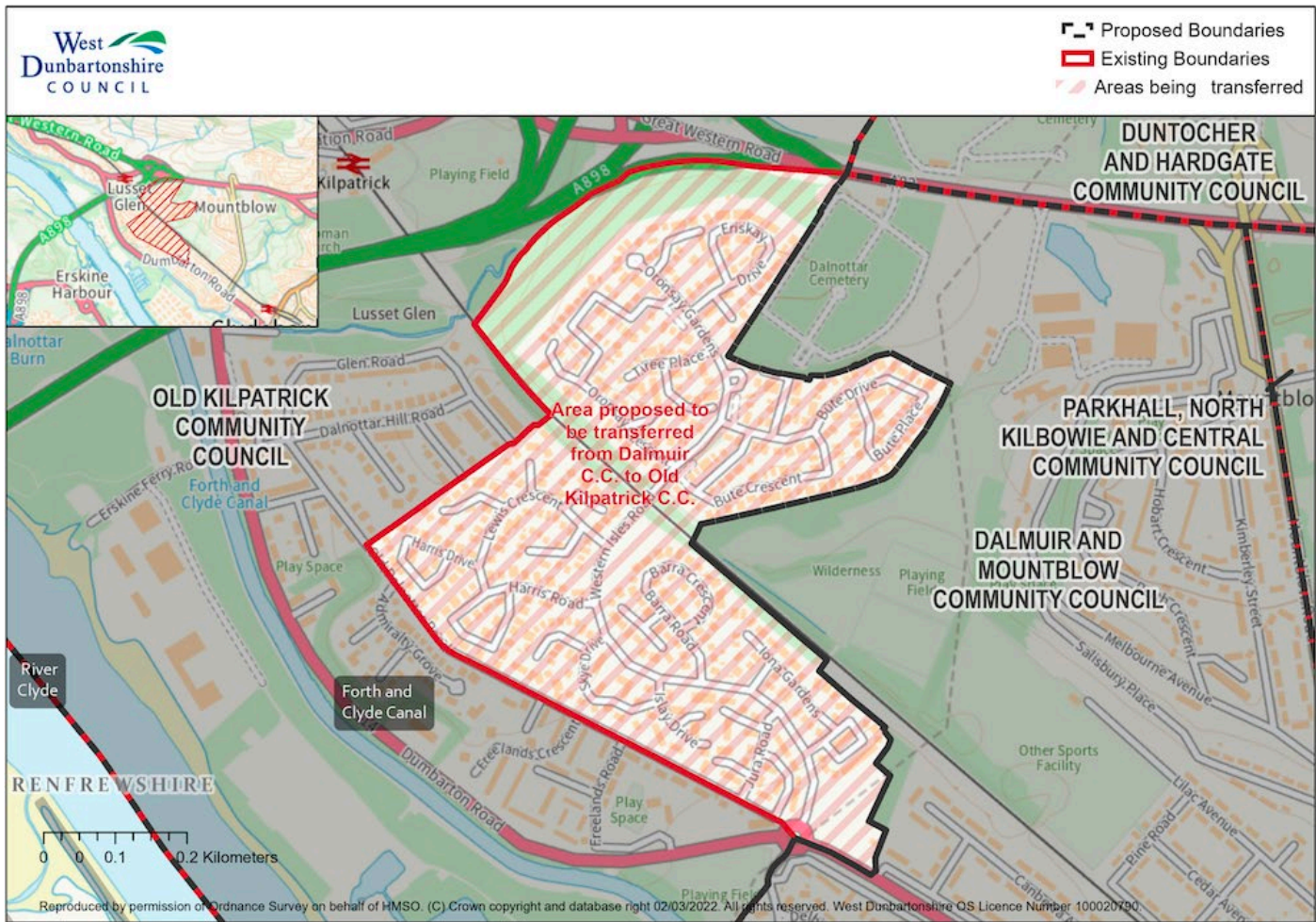
Question: do you agree with this proposed change?

Agree	4
Disagree	3
Don't know / doesn't affect me / no response	12

Question: If you answered 'no', please tell us why...

1. *"If this marked area is taken from Dumbarton East & Central Comm Council and transferred to Silverton and Overtoun CC, Dumbarton East & Central CC would lose two of its members and this would undoubtedly mean that our Community Council would cease to exist as it is quite impractical to get new members for DECCC - believe me we have tried for years! This is a fact, we will not survive as a Community Council if this change takes place."*
2. *"I originally thought it made more sense for this area to be part of SOCC but having talked to DECC who would lose 2 Community Councillors I think it should stay as it is."*
3. *"I'm a member of DECCC and stay in the Affected area along with another member. If this was to go through then my community council would no longer exist as they wouldn't have enough members. We never proposed this change and have never agreed with it. If it does go through I have no intention of joining the other community council. So I strongly recommend that this is rejected."*

6. Old Kilpatrick / Dalmuir



Question: do you agree with this proposed change?

Agree	13
Disagree	0
Don't know / doesn't affect me / no response	6

Question: If you answered 'no', please tell us why...0 responses.

Any final comments?

1. *"Most of the changes seem to have some logic ... the only reason to shift the rowing club and angling club to Balloch (though they aint Balloch) would be to include them in any conversation on water sports but surely that can be facilitated in some other way. Geographically it is a nonsense."*
1. *"As Secretary of Dumbarton East & Central Comm Council, I can only, and have only, commented on the area of this Community Council but have made the issues clear."*

"This change should have been made a long time ago." [refers to proposed change no.6: Old Kilpatrick / Dalmuir]

**WEST DUNBARTONSHIRE COUNCIL
SCHEME FOR THE ESTABLISHMENT
OF COMMUNITY COUNCILS
May 2022**

This draft reflects the feedback from Stages 1 & 2 & 3 of the consultation process.

**The final draft documents are for presentation to a
Special Council Meeting on 25 May 2022.**

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1. Introduction

Community Councils are voluntary bodies which exist within a legal framework, based on Section 51 (2) of the Local Government (Scotland) Act 1973.

Under legislation, every local community in Scotland is entitled to request their local authority to establish a Community Council in their area. Although they complement the role of the local authority, they are not part of local government.

West Dunbartonshire Scheme for the Establishment of Community Councils (the Scheme) is designed to enable the development of effective Community Councils locally. It also seeks to ensure that they are able to make a representative contribution to the process of democratic empowerment and community participation in the areas they operate in and across West Dunbartonshire as whole. It will come into operation from June 2022 with Community Council elections being held as soon as practicable after this date. The Scheme will be reviewed before each new Community Council electoral term.

Contemporary duties for empowerment and engagement:

In addition to the original 1973 legislation, this Scheme also seeks to promote and support the role of Community Councils in implementing the wider legal framework for community engagement and empowerment in Scotland.

2. Statutory Purposes of Community Councils

Section 51 (2) of the Local Government (Scotland) Act 1973 states that “The purpose of a Community Council is to determine the aspirations and views of local people, organise these effectively to clearly represent opinions and present ideas for development and make proposals for improving people's lives. They have clear rights as legitimate community bodies to express these with local authorities and other public bodies providing services for its area and work for service improvement where appropriate.”

This involves finding out the views of the community which the Community Council represents, on matters which these authorities are responsible, and advocating for, or taking action in the interests of, that community wherever it is justifiable and practical.

Since Community Councils were created by virtue of the Local Government (Scotland) Act 1973, other statutory duties have been created for public bodies to engage with local communities. These seek to ensure that community views are heard by public bodies and influence how they meet community needs. The scope of these additional duties confers rights on communities in local areas and those sharing other common bonds of identity or because of protected equality characteristics.

Community Councils should be encouraged to use these additional statutory

responsibilities to complement and enhance their original statutory powers, working with other community organisations to whom these more recent duties also apply.

This wider legal framework will be described in a Handbook for Community Councils in West Dunbartonshire. It will include information on the Community Empowerment (Scotland) Act 2015 and other legislation on specific services which require providers to engage communities in setting priorities and reviewing progress.

Since Community Councils have a specific role in relation to engaging with the statutory planning system, the provisions of the Planning (Scotland) Act 2019 have particular importance. They seek to involve communities more proactively and at an earlier stage in planning, with increased focus on sections of the community, such as young people.

When taken together these legal provisions place duties on public bodies to respond to community views and proposals and involve them in decision making on a wide range of factors, including:

- How public assets are managed, disposed of or subject to greater community control.
- How greenspaces like allotments are managed.
- Setting the direction of local policy and the design of services across the Community Planning Partnership.
- Having rights to request participation in many aspects of service delivery by public bodies.

Although these rights are not exclusive to Community Councils, they are one of a number of types of groups recognised as legitimate bodies for community participation. They are also part of an evolving environment where policy is being developed on an ongoing basis. This can be demonstrated by examples such as participation in health and social care organisations, and planning for children and young peoples' services, or community justice issues.

These rights support the role of Community Councils to identify issues and improve their communities for local residents. This is in line with both the original legal purpose of Community Councils outlined above, and the intention of the West Dunbartonshire Community Empowerment Strategy (2019).

3. The Roles and Responsibilities of Community Councils

The general purpose of a Community Council is to act as a voice for its own local area. This involves articulating the views and concerns of local people in their area on a wide range of issues of public concern and making representations to its local authority, other public sector bodies and private agencies on matters within its sphere of interest.

It is essential that these views be demonstrated to be accurately representative of the community. Accordingly, each Community Council will have in place, in

consultation with the local authority, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sectors of the community.

Community Councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objects of their Constitution, and the terms of the Scheme for the Establishment of Community Councils.

There needs to be a genuine commitment to collaboration and good working relationships with the local authority and other agencies. To allow Community Councils to meet their potential, there will be support and training available, facilitated by the Council's Communities Team. An annual skills audit will be carried out and a training programme developed in collaboration with Community Councils and the Community Councils Forum. Details of the support arrangements for Community Councils are contained in the Scheme Handbook.

In carrying out their activities, Community Councils must at all times adhere to the law, the terms of the Council's Scheme for the Establishment of Community Councils and the Community Councillors' Code of Conduct (Appendix 1). The Scheme is informed by the West Dunbartonshire Community Empowerment Strategy (2019).

Each Community Council must adopt a Constitution and Standing Orders, based upon the Model Constitution (Appendix 2) and Model Standing Orders (Appendix 3) developed nationally and subsequently adapted locally for West Dunbartonshire. They serve to encourage consistency for Community Councils across West Dunbartonshire, and to ensure their proceedings are properly structured and regulated, that business is properly debated and that decisions are reached in a democratic manner. Each Community Council's Constitution must be approved by the Chief Officer for Housing and Employability of West Dunbartonshire Council.

Community Councils may carry out activities that are in line with:

- the general interests of the communities they represent
- their purpose
- the associated legal framework
- the Code of Conduct for Community Councillors
- the contents of this Scheme, which will be agreed by the Council and Community Council Forum or other group representing Community Councils collectively.

This should include the types of activity indicated below:

- **Promotion of Community Councils:** To ensure that communities know about Community Councils, they should produce clear information about meetings in appropriate and accessible formats, including information on how people can influence the agenda.

The local authority should assist by posting agendas, reports and minutes of meetings, subject to data protection requirements. These should be in hard copy

posted in public places such as libraries and/or by electronic means (for example by email, on a website or via social media) with hard copies available on request.

Agendas for Community Council meetings should be sent to the local authority in advance of the meeting. Draft minutes of Community Council meetings must be presented to the local authority as soon as possible following the date of the meeting and be circulated to Community Council members and local elected members.

- **Representation:** Community Councils have a legal duty to represent the views of their community. They should reflect the broad spectrum of local opinion and interests as far as is practical, whilst also trying to ensure that those most seriously affected by proposals have their voices heard. Community Councils should be non-party political when expressing views and representing local residents.

Community Councils should make particular efforts to encourage young people and other under-represented groups to participate in Community Council business and to ensure equality of opportunity in the way the Community Council carries out its functions. To achieve this they should work closely with other local organisations such as the Equalities Forum, Access Panel and Youth Council. More detail on how these relationships can be practically supported is available in the Scheme Handbook.

- **Right to be consulted by and have meaningful engagement with public sector and other agencies:** Community Councils have a statutory right to be consulted on planning applications, and should be consulted on issues such as licensing matters affecting the local community. Other matters may also be jointly agreed between Community Councils, the local authority and other public sector and private agencies. As legitimate community bodies, Community Councils increasingly also have rights to be engaged and involved in a wide range of other matters arising from duties in the Community Empowerment Act and other specific legislation. The Handbook will contain details of these opportunities and be updated as regularly as is practical.
- **Partnership working:** Community Councils and public bodies should aim to establish effective participatory working relationships. This includes the local authority, Community Planning Partners and other relevant organisations. All involved should work in a spirit of partnership in line with the West Dunbartonshire Empowerment Strategy and the framework provided by the Community Empowerment (Scotland) Act 2015. This could include setting up annual meetings to review progress or address issues through the Community Alliance, or other groupings representing the community voice in Community Planning West Dunbartonshire.
- **Community engagement:** The Council will seek to work with Community Councils to develop their capacity to plan and deliver consultation with the community. This will enable Community Councils to gather, listen to and consider the views of local people. Methods may include Community Council meetings, public meetings, online meetings, social media, community

surveys, comment or suggestion boxes or other legitimate and practical methods. The Council will support Community Councils to plan and deliver their engagement in line with the National Standards for Community Engagement. Further detail on delivering this engagement, including examples of good practice, will be included in the Handbook which accompanies the Scheme.

- **Community-led planning:** Community Councils will be encouraged to develop skills to lead or participate in community-led Locality Place Plans, Local Place Plans or action plans. These should be used as vehicles to understand community issues and aspirations and to inform future service planning and decision making, in line with the aspirations of the West Dunbartonshire Community Empowerment Strategy and the Community Empowerment Act. Formal Guidance, examples and tools to support production of such plans are available in the Handbook.
- **Training:** A programme of training will be developed with Community Councils covering these and other topics. The design and delivery of the programme will be undertaken jointly with the Community Council Forum and the Council's Communities Team.
- **Flexible membership:** One way to assist Community Councils to broaden their representation and expertise is by promoting different categories of membership with the overall purpose of involving more local people and local organisations in ways that make participation easier.

Categories of membership are set out in section 6 (Membership). In general to represent their communities Community Councils should recruit the majority of members from those living within their boundary, with an active interest in the community. However, there are times where it can be useful to bring in views and experience from out with the Community Council area, or from third sector organisations, for example to contribute to specific projects or issues, as associate members. Such members may only vote if they are registered at an address in the Community Council area.

- **Information:** Community Councils must inform the local authority of any changes in membership (resignations, co-options etc.) and circumstances (such as changes in office bearers or status of the Community Council itself) as soon as is practicable, and complete an annual return on membership.

4. Equalities and diversity

It is important that Community Councils understand and comply with the Equality Act 2010, which requires them to take have 'due regard' in their operation to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

They must do this in terms of the “protected characteristics” identified in the Act, which are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Everyone has ‘protected characteristics’, but it is the treatment that individuals and groups receive, the level of autonomy they have, and the positive or negative outcomes for them, which should be the focus.

The Equalities Forum in West Dunbartonshire has committed to assist Community Councils to ensure they are as accessible as possible. Community Councils should therefore make use of this, along other groups such as the Youth Council and West Dunbartonshire Access Panel, to make efforts to engage people with protected characteristics actively and sensitively.

This could include periodic joint community engagement work with these organisations to encourage local community council membership from a more diverse range of people living in their areas.

Since everyone has the right to be treated fairly and have access to the work of the Community Council, meetings of the Community Council should take place in venues or online platforms which are accessible to all. This will involve using accessible venues and online platforms, meeting at times which suit people, offering a range of opportunities to participate, and using face to face or digital meeting methods which maximise the numbers and diversity of people taking part. More information on how to achieve this will be available in an ongoing basis in the Scheme Handbook.

Community Councils individually and through the West Dunbartonshire Community Councils Forum (the Forum) are encouraged to learn about equalities issues and how to combat inequality. This will be further explored in the Handbook.

The Forum will work with the Equalities Forum and Council officers to ensure that the Scheme is subject to Equality Impact Assessment, and that Community Councils are supported to equality-proof their activities and ensure that all local people are entitled to be involved are able to do so despite any protected characteristics or other equalities issues they may have.

5. Community Council Areas within Local Authority Areas

The local authority has produced a list of named Community Council areas and maps that define their boundaries. A list of Community Councils is published on the Council website, along with Community council boundaries updated following the review of the Scheme and three stage consultation process.

Any future changes to Community Council boundaries will be considered as part of future reviews of this Scheme, and each review will include a consultation on boundaries. Any mid-term requests will be assessed based on whether these can be met out with a full review of the Scheme process.

6. Membership of Community Councils

The overall aim of the membership process is to ensure that a Community Council, primarily made up of local people, is able to represent the views and aspirations of its community with a clear mandate to do so, on behalf of residents as a whole.

The formula which determines the minimum and maximum numbers permitted for each Community Council should be that all Community Councils will have a minimum number of seven elected Community Councillors, plus one Community Councillor for every 1,000 members of the overall population up to five thousand plus 1 Community Councillor thereafter for every additional 2,000 of the population.

In this way, a Community Council with a population of 7,000 would have 13 Community Councillors (7, plus 5, plus 1).

The minimum age to stand for election as a Community Councillor is 16 years.

There shall be provision made for different categories of members, all of which are currently available through legislation:

- **Full members** live in the area, are nominated for election, have full voting rights and serve a four year term.
- **Co-opted members** are individuals who are willing and eligible to serve but who were not nominated for election. Co-opted members may represent a local group or organisation, such as a Development Trust or local school pupils. Their number should not exceed one third of the total membership, and their co-option must be confirmed by two thirds of Full members. Co-opted members who are local residents have full voting rights.
- **Associate members** are people who are not eligible for full or co-opted membership of the Community Council (for example they are not resident in the area or are below 16 years of age), but who the Community Council considers they would help them to deliver their aims and purposes. They may bring a particular perspective, such as a young person, or have particular experience or expertise relevant to a local issue perhaps by virtue of being involved with another organisation. Associate members do not need to be local residents, nor do they have voting rights. They may serve for a fixed period as determined by the Community Council or for the term of office of the Community Council that has appointed them.
- **Ex-officio members** are politicians such as local authority Councillors, MSPs

and MPs whose wards or constituencies fall wholly or partly within the geographical area of the Community Council area. They have no voting rights on the Community Council.

A more in-depth description of the roles and rights of Community Council membership categories is included in the Handbook.

Qualification for full membership is normally by residency within the specific Community Council area, normally evidenced by being named on the electoral register for the Community Council area in which they reside.

Any full Community Council member, who no longer resides within that Community Council area, is seen to have resigned from that Community Council six months after they have moved away from the area. The purpose of the six month period is to enable Community Councils to retain membership, whilst they seek replacement candidates for co-option, particularly where the membership and viability of the Community Council may be affected.

Any individual who is elected to serve on this local authority, or the Scottish or UK parliaments shall be ineligible to remain a Community Councillor, or to stand for election to a Community Council. Such persons, upon taking office, become *ex-officio* members of the Community Councils contained in whole or in part of their electoral constituency, without voting rights.

A broad outline of the remit and responsibilities of each of these institutions is featured in the Model Scheme of Community Councils Guidance Notes prepared by the Scottish Government.

7. Replacement or updating of this Scheme

From time to time it will be necessary to review the Scheme as required by law. When the local authority revokes its existing Scheme for the Establishment of Community Councils to make a new Scheme, it will publish a Public Notice. This notice will invite the public to make suggestions as to the areas covered by Community Council boundaries, composition of Community Councils, and any other aspects of the Scheme. Following this, a consultation process will take place before the replacement Scheme's formal adoption by the local authority.

There may be times when the Scheme needs to be updated between formal reviews, for example in order to include new ways of working in emergencies like the COVID 19 pandemic (such as the introduction of online meetings) or because of changes to legislation or national policy and guidance.

For this reason, specific elements of the Scheme may be amended through consent of West Dunbartonshire Council and a majority vote of the West Dunbartonshire Community Council Forum. Appropriate consultation will take place with Community Councils in advance of any such changes. More detailed information will be available in the Handbook.

8. Community Council Elections

All reasonable assistance should be given to Community Councils to promote and organise their elections using a wide variety of effective communication methods to ensure that they are as representative of local views as possible. This section describes the processes for Community Council election nominations and, should they be required, polls.

Nominations and elections

The first elections to be held under the Scheme will be held on a date to be determined by West Dunbartonshire Council.

Subsequent elections will be held on a four-yearly-cycle, on dates to be determined by the Community Council and agreed by WDC and the Community Council Forum.

Where possible, when Community Councils' election cycles fall in the year of Scottish local government elections, the electoral proceedings will be held in the following year. There may however be exceptions where there are clear reasons to hold them in the same year, although there should not be less than six months between community council and local elections.

West Dunbartonshire Council will administer all elections using the most suitable method of election.

Returning officer

The Council will appoint an Independent Returning Officer, who must not be a current elected member of the Community Council whose election (s) he is administering, nor intending to stand for election to that Community Council.

Nominations

Individuals seeking election to a Community Council require to be nominated by a proposer and seconder, both of whom must normally be on the Electoral Register for that Community Council area. Nominations must be submitted with the candidate's consent. Self-nomination is not permitted.

A nomination form should be completed, the style of which will be determined by the Council. Nomination forms require to be submitted on the date set down in the election timetable. No nomination forms submitted after that date will be accepted.

Process

On the expiry of the period for lodging nominations:

1. Should the number of candidates validly nominated equal or exceed **HALF**, but be less than or equal to the total maximum permitted membership as specified for the

Community Council area as defined by the published boundaries, those candidates will be declared to be elected and no ballot will be held.

2. Should the number of candidates validly nominated exceed the total maximum permitted membership as specified for the Community Council area, arrangements for a Poll will be implemented. At the Poll, each voter will be entitled to vote for candidates up to the number of vacancies on the Community Council.

Should the number of candidates elected be below **HALF** of the total maximum permitted membership, as specified for the Community Council area, no Community Council will be established at that time. Where that one half is not a round number, it shall be rounded down. However, that does not preclude the local authority from issuing a second call for nominations for a Community Council area failing to meet the minimum membership requirement within 6 months of the closing date for the registration of the first call for nominations.

Method of election

Elections will be based on whole local authority areas or devolved administrative areas, as deemed appropriate. Community Councillors will be elected on a simple majority basis.

Filling of casual places/vacancies between elections

Casual vacancies on a Community Council may arise in the following circumstances:

- When an elected Community Council member submits her/his resignation;
- When an elected Community Council member ceases to be resident within that Community Council area; or
- When an elected Community Council member has her/his membership disqualified (Clause 9).

Should a vacancy or vacancies arise on a Community Council between elections, it will be a requirement that the Community Council undertake appropriate election arrangements, in consultation with West Dunbartonshire Council. Filling a vacancy can be undertaken either through the process of an interim election or by co-option. However, should circumstances arise that lead to the number of elected Community Councillors falling below **HALF** of the maximum permitted membership, the Council must be informed and it will undertake arrangements for an interim election to be held. (See Model Constitution in Appendix)

Co-option to Community Councils

Co-opted members must be eligible for membership of the Community Council as detailed in Section 6 above. They must be elected to the Community Council by a two-thirds majority of the elected (general and interim) Community Councillors present and voting. Such co-opted members will have full voting rights, and will serve until the next round of elections (general and interim). Notice of any proposed

co-option procedure is required to be intimated to all of that Community Council's members at least 14 days prior to the meeting when the matter will be decided.

The number of co-opted members may not exceed a THIRD of the current elected (general and interim) Community Council membership. Should the ratio of co-opted to elected Community Councillors become greater than one third, due to any circumstances, an interim election process will be triggered.

9. Disqualification of Membership

Full or Associate membership of a Community Council is invalidated six months after a Community Councillor moves away from the Community Council area (see section 6 above for more information). That person may however be (re-)appointed as an Associate member by the Community Council.

If any member of a Community Council fails to attend any Community Council meeting, with or without submitting apologies, for a period of 6 months, the Community Council may terminate their membership.

At the discretion of individual Community Councils, a period of leave of absence for Community Council members may be granted at any meeting of the Community Council.

10. Meetings

The first meeting of a Community Council following its election will be called by the Independent Returning Officer approved by the local authority and will take place within 21 days of the date of the election, or as soon as practicable thereafter. The business of that meeting will include adoption of a Constitution and Standing Orders, appointment of office bearers and any outstanding business matters from the outgoing Community Council.

The frequency of meetings will be determined by each Community Council, subject to a minimum of one annual general meeting and 6 ordinary meetings each year. The annual general meeting will be held in a month of each year to be determined by the local authority/Community Council.

Meetings can be held either in person, digitally or a combination of both. The times and dates of meetings and methods used should be accessible to all; for example, meetings should be held at times which are suitable for the general public, and any digital platforms should be free and easy to access (see section 4 above).

The quorum for Community Council meetings will be one third of the current voting membership of a Community Council, or 3 voting members, whichever is the greater. Where a meeting does not meet these criteria, no decisions may be made without ratification at a subsequent quorate meeting, and the lack of quorum shall be noted in any note or minute of the meeting.

An outline for the order of business that Community Councils should adhere to when holding ordinary, special and annual general meetings is contained within the Model Standing Orders.

11. Liaison with the Local Authority and Community Planning Partners

Robust arrangements will be put in place for liaison between Community Councils and the local authority, in line with the ambitions of the West Dunbartonshire Community Empowerment Strategy. Community Councils have a key role to play in achieving the ambitions laid out in this strategy and representing communities across West Dunbartonshire.

This section contains a summary of what these arrangements will include. Further detail will be provided in the Handbook.

Communication

To support Community Councils to take on a role in community empowerment, there must be clear lines of communication between Community Councils and relevant local authority service areas and other Community Planning Partners. Contact information will be provided in the Handbook.

Where possible direct contact with appropriate officers is the preferred method. Where no response is received there will be a process to follow thereafter to ensure that Community Council needs for engagement are met. The West Dunbartonshire Council Communities Team can support with general enquiries and capacity building and organising training for Community Councils.

Participation in allocation of resources

West Dunbartonshire Council has made a strategic and operational commitment to increase the community role in influencing local decision making. Community Councils will be encouraged to participate and promote participation in a significant and meaningful manner. This includes in the delivery of the Community Empowerment Strategy and in initiatives to increase participation and local democracy, such as community budgeting and participatory budgeting.

Consultation

Local authority departments and Community Council Planning partners will encourage the participation of Community Councils in consultations as early as possible, and be supportive in encouraging consultation responses (for example, planning and licencing applications).

Community Council Forum and influence in Community Planning

West Dunbartonshire's Community Councils come together and have a collective voice via the Community Council Forum. This strengthens their influence with the Council and other Community Planning Partners and allows collaborative working to take place. It is a mechanism for Community Councils to voice shared issues and concerns and to influence how these are met, and also to act as a collective voice in bringing about change and shaping service delivery.

As well as directly representing Community Councils, the Forum is represented on the Community Alliance, which is the community representative structure in Community Planning West Dunbartonshire, and the Forum will have a key role in any future developments in how the community voice is represented. There is also a role for Community Councils' collaboration to influence the development of Local Outcome Improvement and Locality Plans and other key developments in services.

Due to the fact that the Forum is viewed as central to the successful relaunch and operation of community councils. It will be supported to ensure that it:

- Functions to enable individuals community councils to work together to tackle wider issues to complement the roles of local community councils themselves.
- Controls its own terms of reference, constitution etc. and ensures that its internal democracy is representative of the concerns of the Community Councils in the area, building on community aspirations, issues and concerns.
- Will be accountable to a membership open to all Community Councils in West Dunbartonshire.
- Will build on the statutory rights of Community Councils and be able to invite senior officers from the Council and other community planning partners to attend its meetings, where reasonably required and raise issues of wider concern as appropriate. It should also enjoy the support of relevant elected members at its meetings. This will enable community councils to raise, debate and seek improvements to services affecting the area as a whole.
- Appropriate officers will attend local Community Council meetings when appropriate.
- Since the Forum is central to helping CCs deliver their functions, it should be well supported. This can include access to information and advice and to secure independent resources for staffing and premises, should its members wish to in the longer term.
- It is important to ensure that The Forum is supported to balance investment of volunteer time with that needed to ensure grassroots community councils are strong and sustainable.

Further details of Community Councils' role and influence will be provided in the Handbook and will be updated as required. The roles of Community Councillors and elected members will also be laid out in the Handbook and the Community Councillors' Code of Conduct (see Appendices to this Scheme).

12. Resources

Community Councils are required to keep financial records and present financial reports at Community Council meetings and support will be given by the Council's Finance team to assist them to do so. The financial year of each Community Council should run from 1 April to 31 March in each succeeding year and be stated in their Constitution.

The Handbook will contain more detailed information on finance processes. Each Community Council will be eligible to apply for grants for suitable projects and expenditure through the Community Council grant process and support will be provided with this process where required. Community Councils will also have the power to secure resources for schemes, projects and all other purposes consistent with their aims.

The Handbook was developed with input from the Forum and as part of the wider consultation process to develop the Scheme and associated documents. These arrangements can be reviewed as required to ensure that they are fit for purpose and in response to any changes.

The Handbook will outline the process for examination of Community Council accounts and their annual submission to the Council's Finance team.

An example of a standard format for Community Councils' financial record-keeping is featured in the Scottish Government's Guidance Notes which will be reviewed from time to time.

West Dunbartonshire Council will provide a Community Council grant to assist with the operating costs of the Community Council. The grant will consist of a flat rate and an additional per capita allowance. The applicable amounts will be reviewed on an annual basis. Further information will be provided in the Handbook.

The Council will determine any additional support services/resourcing to suit local requirements. It will review the level of Community Council grant and other support to Community Councils following each local government electoral cycle.

13. Liability of Community Council Members

West Dunbartonshire Council will support Community Councils to ensure that they have adequate insurance provision in place. This will include working with the Forum and the Council's Finance team to ensure that arrangements are in place for the yearly renewal process.

14. Dissolution of a Community Council

The arrangements for dissolving a Community Council are contained in the Model Constitution.

If a Community Council does not hold a meeting for a period of 3 consecutive prescribed meeting dates, or its membership falls below the prescribed minimum for a period of 3 consecutive prescribed meeting dates, the Council will work with that Community Council to establish the reasons and provide any support as appropriate (whether to continue with or to dissolve the Community Council). The Communities team will provide support with the options available and how to publicise the community council with a view to attracting new members.

Only when these options have been exhausted will dissolution be considered and the Council will support with this process.

Appendices

1. *Code of Conduct for Community Councillors*
2. *Model Constitution for Community Councillors*
3. *Model Standing Orders*
4. *List of community councils and published boundaries (to be published on Council website)*

**WEST DUNBARTONSHIRE COUNCIL
SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS**

FINAL VERSION
FOR PRESENTATION TO WEST DUNBARTONSHIRE COUNCIL
AT SPECIAL COUNCIL MEETING 25 MAY 2022

Appendix 3

**Code of Conduct for
Community Councillors, Model
Constitution and Standing orders**

May 2022

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for local authority 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, apply particularly to Full members of Community Councils (whether elected or co-opted) who have voting rights on the Community Council. Associate and *ex-officio* members of Community Councils, who do not have voting rights, should also reflect the spirit of the Principles.

The 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**

Each Principle is explained in more detail below, followed by a concluding section on the Community Councils Complaints Procedure.

If you have any uncertainties about any aspect of this Code of Conduct or would like support in how to comply with the Code, please ask West Dunbartonshire Council's Communities Team for assistance in the first instance.

Principle 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 the Council's Scheme for the Establishment of Community Councils, as set out by your local authority 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.

It is important that you and your Community Council understand and comply with the Equality Act 2010, which you to take reasonable action to work for equality of opportunity and outcome across the 'protected characteristics' defined in the Act. More information is contained in section 4 of the Scheme for the Establishment of Community Councils.

You should ensure that you are, within reason, accessible to your local community and local residents. You should support the Community Council to make available, where possible, various mechanisms to allow the general community to express their views, such as suggestion boxes and community surveys. More information is available in the West Dunbartonshire Community Councils Handbook.

Principle 2: Selflessness

You have a duty to make decisions solely in terms of the interest 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.

Principle 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 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 for the matter in hand.

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 of the Community Council.

Principle 4: Objectivity

In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, 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 on behalf of the Community Council.

You are free to have political and/or religious affiliations and to campaign or lobby on particular issues of interest or concern to the local community. You must however ensure that you represent the interests of your community and Community Council, and not the interests of a particular political party or other group.

Principle 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. If you are unsure about relevant legal requirements, you should contact West Dunbartonshire Council's Communities Team in the first instance for clarification.

Community Councillors must individually and collectively ensure that the business of the Community Council is conducted according to the Council's Scheme for the Establishment of Community Councils and this Code of Conduct.

Community Councillors must individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council, as set out in the Council's Scheme for the Establishment of Community Councils and the Council's Handbook for Community Councils. You 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.

Minutes of Meetings should be produced which record all actions and decisions made by the Community Council. They should be produced and circulated to all members of the Community Council and made publicly available as soon as possible after each meeting.

Complaints about the Community Council or individual Community Councillors should be handled in accordance with the Community Councils Complaints Procedure (see the final paragraph of this Code of Conduct).

Principle 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 publicly and be confident that you have not been unduly influenced by the views and/or opinions of others with personal or private interests (see 'Integrity' principle above).

If you have dealings with broadcast or print media, social media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between your personal views and statements made on behalf of the Community Council.

Principle 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. If you are unsure about potential legal requirements or conflicts of interest, you should contact West Dunbartonshire Council's Communities Team in the first instance for clarification.

Principle 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, guided by the Scheme for the Establishment of Community Councils (Section 4: Equalities and Diversity).

You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves. Where particular interest 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 and help achieve consensus amongst local groups which reflects wider community aspirations.

Principle 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 other community organisations and other people, regardless of their position, with whom 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 (for more information, see Scheme for the Establishment of Community Councils, Section 4: Equality and Diversity).

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

Community Councils Complaints Procedure

Any complaints about a Community Council or individual Community Councillor(s), for example about an alleged breach of the Code of Conduct, should be made in accordance with the Community Councils Complaints Procedure outlined in the West Dunbartonshire Community Council Handbook.

MODEL CONSTITUTION FOR COMMUNITY COUNCILS

All Community Councils are required to have a Constitution and Standing Orders, both of which must comply with the West Dunbartonshire Scheme for the Establishment of Community Councils.

This appendix contains a model Constitution as a starting point for Community Councils to use. It should be read in conjunction with the model Standing Orders, which provide more detail on meetings, agendas, discussion, voting and minutes.

If the Community Council or individual Community Councillors have any uncertainty over wording, intent, application or interpretation of any aspect of this model Constitution, or how it may be amended, they should in the first instance contact West Dunbartonshire Council's Communities Team for assistance.

1. Name

The name of the Community Council is (referred to as "the Community Council" in this document).

2. Area of the Community Council

The area of the Community Council shall be as shown on the map attached to the local authority's Scheme for the Establishment of Community Councils.

3. Objectives

The objectives of the Community Council shall be:

- (a) to ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people;
- (b) to express the views of the community to the local authority for the area to public authorities and other organisations;
- (c) to take such action in the interests of the community as appears to it to be desirable and practicable;
- (d) to promote the well-being of the community and to foster community spirit;
- (e) to be a means whereby the people of the area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.

4. Role and Responsibilities

In discharging its function and the conduct of its business:

- (a) The Community Council shall have regard to their role and responsibilities as set out in section 3 of the Scheme for the Establishment of Community Councils.

- (b) Individual members shall comply with the Community Councillors' Code of Conduct.

5. Membership

The Community Council's membership is governed by section 6 of the Scheme for the Establishment of Community Councils and as determined from time to time by the local authority. The membership can consist of Full, Co-opted, *ex-officio* and Associate members as defined in section 6 of the full Scheme.

6. Method of Election

Election procedures shall be governed by the method of election laid down in section 8 of the Scheme for the Establishment of Community Councils.

7. Casual Vacancies on the Community Council

Where a vacancy arises which does not result in the number of Community Councillors falling below the minimum number as specified in section 5 of the Scheme for the Establishment of Community Councils, and at least 6 months has passed since the last election, the Community Council may, if it considers it to be desirable, agree to one of the following:-

- (a) an extraordinary general meeting be held in order that the vacancy (and any other outstanding vacancies) can be filled, on the basis that such vacancies would be publicised, nominations invited and an election held where the number of candidates exceeded the number of places available. Interim elections will be administered by the local authority.
- (b) the filling of a vacancy by co-option with voting rights to a maximum of one quarter of the total membership of the Community Council, as governed by section 8 of the Scheme for the Establishment of Community Councils.
- (c) the vacancy to be left unfilled until local public interest is expressed or until the next set of regular elections.

8. Voting Rights of Members of the Community Council

In the event that a vote is required, only Full members of the Community Council may vote (not Associate or *ex-officio* members, nor the general public).

All decisions of the Community Council will be decided by a simple majority of those eligible to vote who are present and voting, with the exception of the following circumstances which require a two-thirds majority:

- (a) Co-option of new Community Councillors (see section 8 of the full Scheme).
- (b) Alterations to the Constitution (see clause 16 below).
- (c) Dissolution of the Community Council (see clause 17 below).

9. Election of Office-Bearers

- (a) At the first meeting of the Community Council after elections in the year when

elections are held, and at the Annual General Meeting in (to be determined locally) in the year when elections are not held, the Community Council shall appoint a Chair, Secretary, Treasurer and other such office-bearers as it shall from time to time decide.

- (b) All office-bearers shall be elected for one year, but shall be eligible for re-election, without limitation of time.
- (c) Without the express approval of the local authority, no one member shall hold more than one of the following offices at any one time: Chairperson, Secretary or Treasurer.

10. Committees of the Community Council

The Community Council may create committees of its members for whatever topics it feels appropriate (for example planning, events or projects) and shall agree and record the composition, terms of reference, duration, duties and powers of those committees. Any decisions made by Committees should be subject to ratification by the full Community Council.

11. Meetings of the Community Council

- (a) Including an Annual General Meeting, the Community Council shall meet publicly at least six times each year. All meetings shall be organised and advertised in accordance with the Community Council's Standing Orders.
- (b) The Community Council shall abide by its Standing Orders for the proper conduct of its meetings, including having a quorum of one-third of voting membership or three voting members (whichever is the greater) before any decisions can be taken (see paragraph 3 of the Standing Orders).
- (c) The Community Council has a duty to be responsive to the community it represents, as explained in the Scheme for the Establishment of Community Councils (Section 4). Should the Community Council receive a written petition signed by at least 20 persons resident within the Community Council area to convene an Extraordinary General Meeting or Special Meeting for a particular matter or matters to be debated, it shall call such a meeting within 21 days of receipt of the request and advertise it publicly in the usual manner (see paragraph 12(b) below).
- (d) The Community Council can meet to discuss items of business in private where it considers it appropriate to do so and in exceptional circumstances. Care should be taken to adhere to the Code of Conduct for Community Councillors. The decision to meet in private will be agreed in advance and decided by a majority vote. Notice of such a meeting will be given to the public in the usual way. However, the Notice will record that the meeting, or a part thereof, shall be held in private.

12. Public Participation in the Work of the Community Council

- (a) All meetings of the Community Council and its committees shall be open to members of the public and may be held in person or online. Proper provision is to be made for the accommodation of members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the Community Council, under the guidance of the Chairperson.

- (b) Notices calling public meetings of the Community Council shall be posted prominently within the Community Council area for a minimum period of ten days before the date of any such meeting and, where possible, be advertised by other suitable means such as appropriate websites, social media and local press.

13. Providing information to West Dunbartonshire Council

The local authority's Communities Team shall be sent an annual calendar of the Community Council's prescribed meeting dates, times and venues (which should be agreed at the Community Council's annual general meeting), minutes of all meetings, the annual report, the annual financial statement and any other such suitable information, as may from time to time be agreed between the Community Council and the local authority. When Extraordinary General Meetings or Special Meetings are to be held, the local authority's Communities Team should be advised of the date, time, venue and subject(s) of debate of such meetings, at least 10 days in advance of the meeting date.

14. Control of finance

- (a) All funds raised by or on behalf of the Community Council or provided by the local authority and other sources shall be applied to further the objectives of the Community Council (see section 3 above) and in line with any conditions imposed by the providing organisation.
- (b) The Treasurer shall keep proper accounts of the finances of the Community Council.
- (c) Expenditure should be approved by at least two authorised Community Council office-bearers (or other members agreed by the Community Council) and ratified in minutes of meetings. The two authorising members for any transactions cannot live at the same address.
- (d) A statement of accounts for the last financial year should be independently examined (as explained in the Community Council Handbook) appointed by the Community Council. The accounts shall be presented and approved at the Annual General Meeting of the Community Council, made available for inspection on request to the Secretary, and submitted to the local authority within 21 days of the Annual General Meeting.

15. Title to property

Property and other assets belonging to the Community Council shall be vested in the Chair, Secretary and Treasurer of the Community Council and their successors in these respective offices.

16. Alterations to the Constitution

Any proposal by the Community Council to alter this Constitution must be first considered by a public meeting of the Community Council. The terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued not less than ten days prior to the meeting and published in accordance with paragraph 12(b) above. Any proposed alterations to the Constitution must comply with the Scheme for the Establishment of Community Councils.

If the proposal is supported by two-thirds of the total voting membership of the Community Council and is also approved in writing by the local authority, the alteration shall be deemed to have been duly authorised and can then come into effect.

17. Dissolution

If the Community Council by a two-thirds majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to dissolve. That meeting shall be publicised at least ten days in advance and in accordance with paragraph 12(b) above. If the resolution is supported by a majority of those persons present and qualified to vote and is approved by the local authority, the Community Council shall be deemed to be dissolved and all assets remaining, subject to the approval of the local authority, after the satisfaction of any proper debts or liabilities shall transfer to the local authority who shall hold same in Trust for a future Community Council representing that area.

In the event that the Community Council is dissolved under the above procedure, and twenty or more electors subsequently propose to re-establish a Community Council for the area, these electors shall submit a request to the local authority in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Returning Officer shall arrange for elections to be held in accordance with the Scheme for the Establishment of Community Councils.

Where for any reason, the number of Community Council members falls below the minimum specified in the Scheme for the Establishment of Community Councils, the local authority may, by suspending the Constitution of the Community Council, cause the Community Council to be dissolved. In that event, the procedures for the establishment of a new Community Council explained in the previous paragraph may be initiated.

18. Approval and adoption of the Constitution

This Constitution was adopted by Community Council, on

.....[insert date]

..... Name and signature: Chairperson

..... Name and signature: Community Councillor

..... Name and signature: Community Councillor

and was approved on behalf of West Dunbartonshire Council on

..... Name

..... Signature

..... Position

..... Date

MODEL STANDING ORDERS FOR COMMUNITY COUNCILS

All Community Councils are required to have a Constitution and Standing Orders, both of which must comply with the West Dunbartonshire Scheme for the Establishment of Community Councils.

This appendix contains model Standing Orders as a starting point for Community Councils to use. It should be read in conjunction with the model Constitution.

If the Community Council or individual Community Councillors have any uncertainty over wording, intent, application or interpretation of any aspect of these model Standing Orders, or how they may be amended, they should in the first instance contact West Dunbartonshire Council's Communities Team for assistance.

1. Meetings

- (a) Including an Annual General Meeting, the Community Council shall meet publicly at least six times each year.
- (b) Once in each year in the month of (to be agreed with the local authority) the Community Council shall convene an Annual General Meeting for the purpose of receiving and considering the Community Council's annual report (to be prepared by the chairperson, officer bearers or other agreed representatives), the submission and approval of the independently examined annual statement of accounts and the appointment of office bearers.
- (c) Dates, times and venues of Ordinary Meetings of the Community Council shall be fixed at the first meeting of the Community Council following ordinary elections and thereafter at its annual general meeting.
- (d) Ordinary meetings of the Community Council shall normally be held in the months of [to be entered].
- (e) The notice of Ordinary and Annual General Meetings of the Community Council, featuring the date, time and venue, must be provided by the Community Council Secretary to each Community Council member and the local authority's named official, at least 10 days before the date of the meeting.
- (f) Special Meetings may be called at any time on the instructions of the Chairperson of the Community Council on the request of not less than one-half of the total number of Community Council members; or upon receiving a written petition signed by at least 20 persons resident within the Community Council area, to convene a special meeting for a particular matter or matters to be debated, which must be held within 21 days of receipt of the request. Special meetings shall require at least 10 days public notice.
- (g) An officer of the local authority has the discretion to call a public meeting of the Community Council.
- (h) Notices calling public meetings of the Community Council shall be posted

prominently within the Community Council area for a minimum period of ten days before the date of any such meeting and, where possible, be advertised by other suitable means such as appropriate websites, social media and local press.

- (i) Meetings may be held either in person, digitally or a combination of both. Dates, time, locations and online platforms should be freely accessible to all.

2. Minutes

- (a) Draft minutes of all Community Council meetings (Ordinary Meetings, Annual General Meetings and Extraordinary General Meetings or Special Meetings) shall be distributed within 21 days from the date of that meeting in accordance with paragraph 11 of the model Constitution, and shall, following their approval at the next meeting of the Community Council, be signed by an officer bearer and retained for future reference.
- (b) Draft minutes of each Community Council shall be circulated as soon as possible after the meeting, within a maximum of 21 days from the date of each meeting, to Community Council members, West Dunbartonshire Council's Communities Team and other appropriate recipients.
- (c) Minutes of meetings of the Community Council and of any of its committees shall be approved at the next prescribed meeting of the Community Council.

3. Quorum

A 'quorum' (the smallest number of people needed to be present at a meeting before it can officially begin and official decisions be taken) shall be one-third of the current voting membership of the Community Council, or 3 voting members, whichever is the greater. Where a meeting does not meet these criteria, no decisions may be made without ratification at a subsequent quorate meeting, and the lack of quorum shall be noted in any note or minute of the meeting.

4. Meeting agendas

(i) Ordinary Meetings

The normal agenda for ordinary Community Council meetings should be as follows:

- (1) **Present and apologies:** The names of Community Councillors present should be recorded together with any apologies received, together with the names of any members of the public who wish their presence or apologies to be recorded.
- (2) **Minutes of last meeting:** Draft minutes of the last meeting of the Community Council shall be considered and approved, with any necessary amendments approved by the meeting.
- (3) **Matters arising:** Any matters arising from the minutes of the last meeting shall be considered, as directed by the Chairperson.
- (4) **Other agenda items:** Other items of business should be considered, as

directed by the Chairperson.

- (5) **Any other business:** Any other competent business raised by Community Council members or members of the public.
- (6) **Date of next meeting:** Announcement of the date of the next meeting before the Chairperson closes the meeting.

(ii) Annual General Meetings

The normal agenda for annual general meetings of should be as follows:

- (1) **Present and apologies:** The names of Community Councillors present should be recorded together with any apologies received, together with the names of any members of the public who wish their presence or apologies to be recorded.
- (2) **Minutes of previous AGM:** Draft minutes of the last annual general meeting shall be considered and approved, with amendments if necessary.
- (3) **Annual reports:** Presentation of the Community Council's annual report(s) of activity, normally presented by the Chairperson and/or Secretary (followed by any questions or comments from Community Council or members of the public).
- (4) **Financial report:** Presentation by the Treasurer, discussion and approval of the annual accounts. The accounts should already have been certified in accordance with paragraph 14 of the model Constitution, and after the meeting should be submitted to the local authority after the meeting (again in accordance with paragraph 14 of the model Constitution).
- (5) **Election of new office bearers:** Nomination and election of new office bearers for the coming year (see section 9 of the model Constitution). Elections will only be required if there is more than one nomination for any particular office, and should be held in accordance with section 6 below.
- (6) **Date of next meeting:** Announcement of the date of the next annual general meeting (if known) before the Chairperson closes the meeting.

An ordinary Community Council meeting commonly take place immediately after the end of an Annual General Meeting, but this is not a requirement.

(iii) Extraordinary General Meeting

The order of business at every extraordinary general meeting, or special meeting, of the Community Council shall be as follows:

- (1) **Present and apologies:** The names of Community Councillors present should be recorded together with any apologies received, together with the names of any members of the public who wish their presence or apologies to be recorded.
- (2) **Business discussion:** Discussion of the subject of the meeting, as described in the published notice for the special meeting.

- (3) **Close of meeting:** The Chairperson should close the meeting as appropriate.

5. Ensuring Effective Debate

- (a) To facilitate good discussion and decision-making, the Chairperson should facilitate meetings reasonably and fairly. The Chairperson's decisions shall be final and shall not be open to discussion; this applies to Community Councillors and the public.

In particular, the Chairperson's role should be to:

1. Decide the order of discussion.
2. Decide what is relevant to be discussed and is within the powers of the Community Council.
3. Facilitate fair debate and ensure that an equitable range of balanced views are heard.
4. Ensure decisions are reached in a fair and democratic manner and by mutual agreement whenever possible.
5. If the Chairperson determines that a vote is required, it shall take place in accordance with section 6 below.
6. Curtail discussion and move on to the next agenda item if appropriate.
7. Adjourn the meeting if appropriate.

6. Voting

- (a) In the event that a vote is required, only Full members of the Community Council (whether elected or co-opted) may vote, not Associate or ex-officio members, nor the general public.
- (b) All decisions of the Community Council will be decided by a simple majority of those eligible to vote who are present and voting, with the exception of the following circumstances which require a two-thirds majority:
1. Co-option of new Community Councillors (see section 8 of the full Scheme).
 2. Alterations to the Constitution (see clause 16 of the Constitution).
 3. Dissolution of the Community Council (see clause 17 of the Constitution).
- (c) Voting shall be taken by a show of hands (which may be electronic if the meeting is online) of those present and eligible to vote, with the exception that at an Annual General Meeting the election of office bearers may be held by secret ballot. (See also section 8 of the model Constitution.)
- (d) Motions should be proposed by one Community Councillor and seconded by another. The Chairperson may invite amendment(s), which must also be proposed by one Community Councillor and seconded by another. Motions or amendments, once made and seconded, can only be withdrawn with the consent of the mover and seconder. The original proposer of the motion shall then be offered a right of reply, including to accept any amendments, before a vote takes place.

- (e) A motion or amendment contrary to a previous decision of the Community Council shall not be considered within six months of that decision.
- (f) The Chairperson shall have their own vote and also, in the event of there being no majority, an additional casting vote.

7. Alteration of Standing Orders

A proposal to alter these Standing Orders may be proposed to the local authority to be altered or added to at any time by the Community Council, provided that notice of motion to that effect is given at the meeting of the Community Council previous to that at which the motion is discussed. The local authority shall have final discretion on any proposed change. (See also section 16 of the model Constitution.)

8. Suspension of Standing Orders

These Standing Orders shall not be suspended except at a meeting (1) at which three-quarters of the total number of Community Council members are present, and (2) with the consent of least two thirds of voting members of the Community Council who are present.



**WEST DUNBARTONSHIRE COUNCIL
SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS**

REVISED DOCUMENTS

MAY 2022

**Community Councils
Handbook**

IMPORTANT NOTE

This handbook has been prepared as part of the Review of the Scheme for the Establishment of Community Councils (the Scheme) in West Dunbartonshire, which has been taking place during 2021/22.

The handbook complements the Scheme and other documents, and will be published following approval of the Scheme and other documents by Council in May 2022. The Handbook can be updated as required in between reviews of the Scheme.

There have been 3 stages of consultation on the contents of the Scheme, and associated documents, and the Handbook has been produced with input from these consultations and working closely with the Stronger Voices Group (SVG), a group set up to assist with the review and including community council, community and equality representatives.

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1. INTRODUCTION

West Dunbartonshire council is fully committed to supporting community councils and other community organisations towards achieving the aims outlined in the West Dunbartonshire Community Empowerment Strategy.

The key aim is to increase the participation and involvement of local citizens in the design and delivery of Council services and encouraging active participation within communities. This Handbook and the Scheme for the Establishment of Community Councils (The Scheme) promote and support the role of community councils in representing and empowering local communities and their expanding role in community engagement, consultation and promoting local democracy.

This handbook supplements the information contained within The Scheme and provides some of the essential information useful to carry out the role of a Community Councillor. It was developed jointly with community councils, the West Dunbartonshire Community Council Forum (The Forum) and the Stronger Voices Group (SVG), which was set up as part as part of the review of the Scheme 2021-2. The final draft Scheme, Handbook, Standing orders and Constitution will be presented for approval at a Special meeting of West Dunbartonshire Council on 25 May 2022.

Community Councils should aim to represent all people in the area without prejudice, they are non-party political and non-sectarian. As each area in West Dunbartonshire is unique, this means that there is some variation in how community councils work to represent their local communities and meet their needs. All community councils are required to operate within the guidelines set out within The Scheme, this Handbook and the standard Model Constitution.

There are other requirements which all Community Councils are bound to in their activities and this includes the general duty to promote equality. Further details see Equality section.

Further information about community councils in Scotland can be found at

<https://www.communitycouncils.scot/>

Further details of the West Dunbartonshire Community Empowerment Strategy can be found here: <https://www.west-dunbarton.gov.uk/council/strategies-plans-and-policies/cw-strategy-and-action-plan/>

2. LEGISLATION/ STATUTORY PURPOSES

Community Councils were first established in Scotland following the [Local Government \(Scotland\) Act 1973](#). Following this, the [Local Government etc. \(Scotland\) Act, 1994](#), which produced the current system of local authorities, provided 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 in their area.

From 1st April 1996 the role of Community Councils was enhanced by adding a statutory consultation role for Community Councils in both planning and licensing matters.

Further powers were given to Community Councils by the [Community Empowerment \(Scotland\) Act 2015](#) (The Act). The Act lists a Community Council as a Community Participation Body thereby providing a mechanism for communities to have a more proactive role in having their voices heard in how services are planned and delivered. The Act sets out the [public service authorities](#) to whom the legislation applies. The parts of the act related to [community planning](#) and [participation requests](#) are particularly relevant. This Scheme must be seen in the context of the Local Governance Review proposing more local decision making, increased emphasis on place and place-making, and the introduction of [Local Place Plans](#) in planning legislation and the Planning Act 2019. All of these initiatives seek to shift the balance of power and work collaboratively with communities to improve people's lives.

Community Councils are also expected to help deliver equality in community participation, including duties to promote equality and fairness, see Equalities section.

Planning and Licensing

Community Councils have a statutory right to be consulted on applications for planning permission and on all applications for provisional/premises licences and major variations to premises licences and other matters.

The community council has a distinct role, representing a broader, and still local, view which can be set alongside the comments of those with a more individual interest. More information on planning and licensing is provided in Planning and Licensing sections or through the [West Dunbartonshire Council website](#).

3. SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

The basic principles of the way in which a community council is administrated, the process of election, profile of membership and eligibility and their boundaries are laid out in the Scheme which is developed by the Local Authority following a lengthy consultation process with opportunities for community councils and stakeholders to influence the content of the Scheme.

The Scheme provides guidelines for community councils to operate within. [It is based on a national model Scheme](#). Where there is a need for clarity or guidance then community councils can refer to the Scheme and community councils should be familiar with the contents of the Scheme and documents supporting it: Model Constitutions, Standing orders code of conduct and Handbook. The information can be found *(link to docs when published on council website)*.

The Scheme is reviewed every 4 years and this process is outlined in legislation and guidance. The Handbook can be updated more regularly as required and will be published online with a paper version available on request in a format which can be easily updated. The Scheme and Handbook content was influenced through consultation and working closely with representatives on the SVG.

4. WHAT IS A COMMUNITY COUNCIL?

A Community Council is a voluntary organisation set up by law, supported by the Local Authority and run by local residents to act on behalf of their local area. Further information can be found here: <https://www.communitycouncils.scot/>

As the most local level of elected representation, Community Councils play an important role in local democracy. As well as representing the community to the local authority, Community Councils allow a wide range of activities, which promote the well-being of their communities.

They bring local people together to help make things happen locally, and many Community Councils protect and promote the identity of their community. They advise, petition, influence and advocate on numerous issues, causes - of concern on behalf of local communities.

Community councils carry out a range of activities, including:

- Carry out local surveys
- Campaigning on local issues
- Printing and distributing local newsletters
- Representing the Community Council on other local partnerships, or other organisations
- Organising public meeting to gather views from local residents
- Organising local community events
- Environmental projects
- Neighbourhood plans / locality planning

Some community councils have also become involved in a wider range of activities, responding to local needs, e.g. food provision during Covid19 when many Community Councils were involved with this, including Old Kilpatrick, Clydebank East, Faifley and others.

Community Councils can be an effective voice in their local communities and can work with other community groups and statutory and voluntary organisations. They can provide an insight into the workings of local government and what is going on locally and nationally. All local authorities in Scotland encourage local people to become a member of their Community Council.

Some examples of different types of projects Community Councils have been involved in:

- Food projects – holiday hunger initiatives, food banks/ pantries and Old Kilpatrick Food parcels (which has now developed into an independent project)
- litter picks and clear ups
- environmental improvements and sustainability
- leading on developing a neighbourhood plan in Old Kilpatrick and Alexandria
- [Dr Bike projects](#) in Bonhill
- Organising community events, fayres and even a community Christmas panto
- Also applying for funding for local projects

These are some strong examples of the work community councils and other community organisations can do to support their communities and meet local needs and aspirations, involving consulting local residents and leading on change. There is potential for community councils to further develop their roles, increase their representation and influence and make a real difference in communities across West Dunbartonshire, developing and building on partnership with other organisations. Also in some areas where there is not currently a community council set up, where there are other groups taking on an active role in consulting and representing local residents and making change happen.

[Scottish Community Council's website](#) has a [video](#) which provides a good explanation of the role of community councils. There is more information about Community Councils on the Scottish Government [website](#).

5. CLOSE LINKS WITH THE COUNCIL AND OTHER PUBLIC SERVICES

West Dunbartonshire Council provides a supporting role to assist community councils to operate effectively and represent local residents. The key supporting role sits with the Communities Team, however other services also provide support and community councils can also raise queries directly with services or with other agencies e.g. Police Scotland or the NHS, for specific issues.

Within the council, services work together to support Community Councils, providing information, advice and guidance or support where it is required.

Support to your Community Council from the Communities team

The Communities team can provide support to community councils, this can include support and training on a range of topics, such as legislation and guidance, roles and responsibilities, building capacity and organising consultations and events, using digital technologies, publicising their activities and widening membership, developing local place plans, mentoring and advising.

The Communities team take a lead role in community empowerment as outlined in the West Dunbartonshire Community Empowerment strategy <https://www.west-dunbarton.gov.uk/council/strategies-plans-and-policies/cw-strategy-and-action-plan/>

This Strategy was developed by the Council and other community planning partners in consultation with local citizens who shaped the content of the Strategy.

For more specific requests contact should be made, with the Communities Team, where there are dedicated officers working with community councils and other supports available from the Team. See Appendix 3 for contact details for the team and other services also. The Communities Team also supports the Forum, which brings together representative from each community council and meets quarterly. The Forum is currently developing its role in terms of training and development, support and information sharing between community councils and developing joint solutions to issues they are facing.

Seeking involvement from Service departments of WDC

Community Councils can contact the local authority and other public and private agencies, about matters of local interest or concern within their local area. Community councils can contact services direct and contact details are provided for key services and the Communities

Team. See Appendix 3. The Communities team can also act as a general contact for advice and support as outlined above.

For general enquiries, copied of minutes etc. there is an inbox which is regularly monitored at Communitycouncils@west-dunbarton.gov.uk and one for empowerment enquiries or participation requests – empowerment@west-dunbarton.gov.uk

Copies of community council agendas and minutes should be forwarded to the Community council's inbox within timescales as soon as possible after meetings.

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6. Composition of Community Councils

All Community Councils will be entitled to a minimum of 7 elected Community Councillors, plus 1 Community Councillor for every 1,000 of the population, rounded to the nearest thousand, up to five thousand plus 1 Community Councillor thereafter for every complete 2,000 of the population.

For a community council with 7,000 of a population, $7 \text{ community councillors} + 5 + 1 = 13$ elected community councillors. See table below.

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Community Council	Population	Max Number Directly Elected	Non-Elected Members
1. Old Kilpatrick	2733	$7 + 3 = 10$	+ 1/3
2. Duntocher and Hardgate	7313	$7 + 6 = 13$	"
3. Faifley	5088	$7 + 5 = 12$	"
4. Dalmuir and Mountblow	9081	$7 + 7 = 14$	"
5. Parkhall, North Kilbowie and Central	7078	$7 + 6 = 13$	"
6. Linnvale and Drumry	6776	$7 + 5 = 12$	"
7. Clydebank East	6101	$7 + 5 = 12$	"
8. Bowling and Milton	1060	$7 + 1 = 8$	"
9. Dumbarton East and Central	5152	$7 + 5 = 12$	"
10. Dumbarton North	4166	$7 + 4 = 11$	"
11. Silverton and Overtoun	5002	$7 + 5 = 12$	"
12. Dumbarton West	5715	$7 + 5 = 12$	"
13. Renton	4446	$7 + 4 = 11$	"
14. Bonhill and Dalmonach	9062	$7 + 7 = 14$	"
15. Alexandria	4802	$7 + 5 = 12$	"
16. Balloch and Haldane	6401	$7 + 5 = 12$	"
17. Kilmaronock	744	$7 + 1 = 8$	"

Note: these figures will be reviewed and updated after the Census 2022.

7. CONSTITUTION

The Constitution is an important document because it provides the framework of procedures that will govern the work of each community council, a community council is required to have one.

Each community council is required to adopt a Constitution, based upon the Model Constitution in the Scheme of Establishment (*see section 1 – in Other Information*) alongside the [Model Standing Orders](#) (*see section 1 – in Other Information*).

The purpose is to encourage and maintain consistency for all community councils and to allow their proceedings to be properly structured and regulated, to ensure that items of business relevant to the community are properly debated and decisions reached in a democratic manner.

The Model Constitution and Standing Orders are based on the [Community councils: model constitution](#) and [Community councils: model standing orders](#) which are documents that have been prepared and promoted by the Scottish Government. These are subject to a review during 2021-22 and the local documents will be reviewed in this context once this process is complete.

For the first time a Complaints section has been included in the current Scheme to reflect the increased emphasis on community empowerment and the need for accountability. See Appendix 2.

When a new community council is first established, or following an election process, the Constitution will be signed and copies forwarded to West Dunbartonshire Council Communities team for retention.

8. MEMBERSHIP

The numbers of members of a community council may vary. There will be minimum and maximum membership numbers of elected community councillors in a community council.

Where there is interest in setting up a new community council, contact the Communities team for support: CommunityCouncils@west-dunbarton.gov.uk.

The Scheme outlines the different categories of membership and election processes. Further details of the minimum and maximum numbers and the formulas can be found in the Scheme section 6.

The minimum age to stand for election as a Community Councillors is 16 years. To be a member of a community council you must live within the community council area (and be included on the electoral register).

In addition there are other types of membership such as co-option and associate membership, further details can be found in the Scheme. Co-opted members can represent another organisation or group. Associate members could be from outwith the area or not meet the criteria for membership, for example under 16. This can increase the membership and representativeness of community councils.

There are also circumstances where membership can cease, for example where the community councillor moves out of the area, or does not attend meetings for a considerable period. There can be some discretion where such changes may have an impact on the ability of the community council to function in the short term. Also there could be the option to co-opt members.

The Communities team can offer advice and support on how to publicise, raise awareness and encourage new members to join, to assist community councils to plan for the future, also developing links with other community organisations and equalities groups to ensure that they represent a wide range of views within their communities. There can be scope to split roles such as minutes and correspondence secretaries where it is proving challenging for one person to fulfil these roles. There can be leads on particular projects or topics and subgroups for example to plan for events or other activities.

9. COMMUNITY COUNCILLORS

The role of the Community Council member is one that requires them to represent the views of their community, or a section of the community.

Many community councillors will be motivated by something they feel strongly about in their community. This is perfectly reasonable and may well be an issue that lots of other people locally also feel strongly about. However, in practice it is just as important to be able to reflect the wider range of views in communities. This means leaving personal views or opinions to one side to represent the views of the local community and taking steps to find out what these views are on a regular basis, such as via consultations and community meetings or events. Also finding other opportunities to discuss issues and find out views on particular topics and generally to raise awareness of the community council and its role.

As a community councillor it is important to remain open minded and impartial and take a wider view of local matters, working with local groups and residents to find out what they want to see happen in their local area and how this can be achieved. This could involve working with the local authority and/ or other partner agencies and in some areas taking part in a process to develop local place plans. There is also a Code of Conduct for community councillors, at Appendix One.

All community councillors can play a key role including those who are office bearers and those who are not in achieving effective community councils with the links and relationships to get things done

Key features for Community Councils example:

Good practice

- Finding out what matters to people locally – including those of all backgrounds, ages, abilities and experiences.
- Keeping them informed in an ongoing basis
- Engaging them in a dialogue that is as accessible as possible
- Trying to take an overall view of this while involving people in setting priorities
- To work constructively with elected members, agencies and individual services
- To produce better solutions for the community
- While working with local groups and individuals, whether or not they are members of the community council

Poor practice

- Acting only on the experience of those attending your meetings
- Assuming you know the views of local people without consultation
- Not engaging with those not usually able to be involved
- Having meetings that people can't take part in because of where and when they are
- Setting priorities without taking account of wider local views carefully and sensitively
- Not keeping people informed about what you are doing and how you are getting on
- Not working with other local organisations to get things done
- Taking an oppositional position on issues without looking for constructive solutions

As a Community Councillor there is therefore a duty to:

- commit to the role and uphold the standards and values of the Community Council.
- act in the interests of the local community, which they have been elected or nominated to represent.
- reflect, through the Community Council, the views of the community as a whole, or at least the majority view on any issue, irrespective of personal opinion.
- Also the views of minorities, and those whose voices are seldom heard, must be understood and taken account of.
- ensure that they are, within reason, accessible to their local community and local residents.
- take decisions solely in terms of the interest of the community that they represent.
- contribute to discussions and decisions concerning the work of the Community Council.

More detailed guidance is provided in the Code of Conduct for Community Councillors (Appendix 1).

Community Councils have a key role to play in supporting a de-centralised pattern of local government and service delivery and the Scheme provides a framework within which they and the Council can co-operate and work together. Community Councils are voluntary bodies, which exist within a statutory framework. The role and function of a Community Council in West Dunbartonshire shall be to proactively identify and assess issues of concern to its local community. Taking into account views expressed by the public and any other relevant evidence, it should either take such action as it considers to be suitable or convey its findings and conclusions to the relevant authority for consideration. Community Councils have a statutory right to be consulted on planning applications, licensing matters and any other matters

may also be jointly agreed between Community Councils, the Council and other public sector and private sector agencies. Community Councils are non-party political and non-sectarian in its discussions and in its decision-making.

Taking the community view

Local residents should be encouraged to bring issues to their Community councillor to raise at Community Council meetings with local councillors present. It is important to look into the facts and to have a balanced view as far as possible. Issues can also be raised directly with council services using the contact numbers provided at Appendix 3.

The task of any Community Council is to identify the needs and aspirations of its community and to take decisions that will lead to appropriate action in that community. At some point this might involve helping communities in setting priorities on the competing or conflicting needs of different sections of the community being careful not just to support the stronger local voices – See our sections on Community Engagement and Community Led Action Planning.

Competition and conflict are to be expected in any community, and cannot be totally avoided. Community councillors must approach competition or conflict in a fair and reasonable manner taking a balanced view of their community's needs and aspirations and giving a fair hearing to representatives from different interest groups in their community. In particular, Community Councillors should take account of equality considerations and legislation as outlined in section.

Conflict and Declaration of Interest

At some point it may be that a Community Councillor will find some conflict between their own personal views and interests and those of the community that they are representing. If such a situation does arise, they should try to make sure that the views of the community take priority.

Any other course of action could negatively impact on the credibility of the community council as representing the community as a whole.

In some instances, it may be necessary and appropriate to declare an interest in the matter under discussion and to withdraw from that debate and decision-making. This is particularly important where financial interests are involved. Declarations of interest (financial and non-financial) should be recorded in the Minutes of the meeting.

Please refer to the Code of Conduct for further details at Appendix One.

10. OFFICE BEARERS

Each community council must have a Chairperson, Secretary and a Treasurer. It may also have other office-bearers if it decides to. Also there can be the option of splitting roles, e.g. minute and correspondence secretary. Further details are contained within the Model Constitution and Standing Orders

Chairperson

The Chairperson has perhaps the most important single role to play in ensuring that Community Council meetings run smoothly. But even a good Chairperson will find the task challenging unless all the members of the community council give the role appropriate respect and support.

In essence, the Chairperson's job is to make sure that decisions are taken on all of the items that are on the agenda and that they makes sure people are clear about what they have decided. In practice, this usually means that they will have to make judgements about how much time to allocate to each agenda item. It also means that they may occasionally have to bring speakers back to the agenda and generally encourage people to make their contributions brief and to the point.

In regular meetings the role of the Chairperson is a quite formal one, all speakers will be expected to address their comments to the Chairperson. This helps them to keep control of the discussion. In meetings, where proceedings need not be so formal, they may be content simply to steer the general direction of the discussion – this may be described as an enabling role. The extent to which a Chairperson adopts one or the other of these will be dependent upon the circumstances at a particular time or occasion.

Although it is good to try not to be too formal and bureaucratic, the Chairperson is expected to know the procedures and protocols by which the community council functions, and ensure that at all stages of its work the community council is operating in accordance with any procedures that are set down. They may be called upon to act interpret the rules in the wider interest of the Community Council when there is a disagreement about how they should be interpreted.

It is important to recognise that the Chairperson's role extends out with the meeting itself. They may be called upon to act on behalf of the Community Council between meetings, or to represent the Community Council in dealing with outside bodies. This role may also be delegated by the Community Council to other office bearers or members.

Very often the Chairperson is seen as the 'official' spokesperson for the Community Council and must be seen as authoritative and fair in all of their dealings with outside bodies, groups, individuals and the Press.

The responsibilities of the Chairperson includes:

- checking that the meeting has been called in accordance with the procedures and protocols
- having a thorough knowledge of the procedures and protocols
- ruling on points of order and procedure
- acting on behalf of the organisation between meetings
- pursuing decisions made in meetings

Some examples of good and bad behaviours can be found at:

<https://www.diycommitteeguide.org/resource/characteristics-of-a-good-chairperson>

<https://www.camden.gov.uk/documents/20142/2782436/TRA+info+booklet.pdf/add4720e-a395-8af2-b19b-76b3514ce84f>

<https://scvo.scot/support/running-your-organisation/governance/developing-board>

Vice Chairperson

The Vice Chairperson has no specific duties other than standing in for the Chairperson when they are unavailable. Please refer to skills for Chair above, also it is helpful if they have skills for leading sub committees.

Secretary

Community Councils benefit from a conscientious Secretary who is prepared to put in the necessary time and effort. It is incumbent on all Members but especially the Chairperson, when necessary, to spread the Secretary's load by, delegating some of his or her responsibilities to others. Some examples of skills can be found at:

<https://www.diycommitteeguide.org/resource/characteristics-of-a-good-secretary>

The responsibilities of the Secretary includes:

- arranging the venue for meetings
- preparing the agenda and minutes of meetings
- receiving and answering all correspondence
- circulating information to members
- dealing with the public, press, TV and radio, social media

- co-ordinate with the Communities Team and other council services
- supporting the Chairperson and providing (or obtaining) legal and other
- specialist advice

Treasurer

The Treasurer is responsible for the finances of the Community Council. They will deal with the issuing of cheques and making of payments on behalf of the Community Council and must keep the Community Council's financial records up to date so that they disclose, with reasonable accuracy at any time, the financial position of the Community Council.

The responsibilities of the Treasurer include:

- organising financial transactions
- managing the bank account;
- accounting for all funds received;
- ensuring that money is only spent in a manner approved by the Community Council members, and as recorded in the minutes.

Any two of three authorised signatories, who would normally be office-bearers of the Community Council, may sign cheques on behalf of the Community Council. Authorised signatories may not be co-habitees. Also approval/ counter checking is required for other methods of expenditure which may be available.

The Treasurer must keep proper accounts of all receipts and expenditure, prepare an annual statement of accounts and have it certified as correct by one independent qualified examiner an independent examiners appointed by the Community Council out with its membership.

The accounts will be submitted to an Annual General Meeting of the Community Council and will be available for inspection on application to the secretary. And regular reports will be provided to community council meetings during the year.

11.SETTING UP A COMMUNITY COUNCIL

Support can be given by the Communities team in setting up a community council and Committee Services on the election process

Community Council elections normally take place every 4 years on a date set by West Dunbartonshire Council or following a review of the Scheme. Also in certain circumstances such as a fall in membership below the minimum numbers and interim election process can be triggered

In order to set up a community council which is not successfully established during the 4 yearly elections, the following steps must be undertaken:-

Petition Requirement

West Dunbartonshire Council will require a petition with the names, addresses and signatures of not less than 20 registered electors from within the Community Council area who wish a Community Council to be established.

Publicity Procedure

Once the petition has been checked and verified, West Dunbartonshire Council will place an advert in the local newspaper for one week only inviting nominations from all interested registered electors in the area who wish to serve as Community Councillors. Other methods of advertising will also be used such as social media, publicising to local groups and organisations and any others as appropriate. The aim will be to reach as broad an audience as possible within local communities.

This notice will give details of (i) the relevant closing dates and (ii) the minimum and maximum number of valid nominations which will be required to establish the Community Council. West Dunbartonshire Council will write to all those who signed the petition.

Nominations Below Prescribed Community Council Size

By the closing date for acceptance, West Dunbartonshire Council must receive at least a minimum number of nominations (based on the quota outlined in the Scheme) before a community council can be established.

Nominations received below this number will result in West Dunbartonshire Council being unable to establish a Community Council for that area and letters will be sent to any candidates advising them of the position.

Nominations Within Prescribed Community Council Size (refer to table above) The roles and process are described below.

Returning Officer

The Returning Officer will make arrangements for an inaugural meeting of the new Community Council to take place within 28 days where possible and an agenda/relevant paperwork will be issued to all Community Councillors before the meeting.

Contested elections - Nominations are received for more candidates than the maximum Community Council Size. If more than the maximum nominations are received by the closing date, an election will be necessary. After the closing date for acceptance, a period of one week will be allowed for any candidates who decide to withdraw their nominations. West Dunbartonshire Council will immediately make arrangements for this and the community will choose who they would like to represent them. The Council will write to all candidates advising of this process and next steps.

Uncontested elections - Where there are too few nominations to hold an election' or if candidate withdrawals are received, leaving the total number of nominations equal to, or below, the number places on the Community Council by the set closing date a different process is needed. In this case the remaining candidates will be automatically elected to the community council and arrangements will be made for an early inaugural meeting. This is known as an uncontested election. This will be confirmed in writing to all candidates.

Details will be publicised via the council website and local libraries and a full postal ballot will be organised. In the local newspapers advising of the names of candidates, polling places and hours of poll or in the case of a postal ballot, issue ballot papers to all registered electors in the community council area.

Inaugural Meeting

Following the election process, a letter will be sent to all candidates confirming who was successful/unsuccessful. The Returning Officer will then make all the necessary arrangements for an inaugural meeting to be held within 28 days where possible. All community councillors will be issued with an agenda for this meeting which will confirm time and place, etc. and the business to be dealt with. At this meeting the election of office bearers take place, nominations will be made and community councillors will vote for these in turn. Where there is more interest than roles available consideration should be given to the most suitable person for each role.

12. ELECTIONS

When a new Scheme has been approved by Council, a Public Notice will be published, which will start the election process, for new and existing community councils following the consultation process during the review of the Scheme.

Eligibility

Candidates wishing to stand for election to a Community Council must reside in the local area and be named on the Electoral Register for that area. The same criteria shall apply to voters in a Community Council election.

Sixteen and seventeen year-olds residing in the community council area and named on the Electoral Register for that area are also entitled both to stand for the community council and to vote in any election.

There will be provision for the different types of membership as outlined in the Scheme. Any Community Council member who no longer resides within that Community Council area will be seen to give up their role within a suitable timescale taking account of the impact on the CC and its membership and functioning. Where appropriate there will be a transition period (up to 12 months).

Any individual who is elected to serve on this local authority, the Scottish Parliament or UK Parliament shall be ineligible to remain a community councillor, or to stand for election to a community council. Such persons, upon taking office, become ex-officio members of the community councils contained in whole or in part of their electoral constituency.

Nominations and Elections

The first elections to be held under the Scheme will be held on a date to be determined by West Dunbartonshire Council. Subsequent elections will be held as outlined above.

Where there are other elections being held in the same year there will be an interval of at least 6 months between election processes.

West Dunbartonshire Council will administer all elections.

Returning Officer

West Dunbartonshire Council will appoint an Independent Returning Officer. The Independent Returning Officer must not be a current elected member of that community council nor intending to stand for election to that Community Council.

Nominations

Individuals seeking election to a Community Council require to be nominated by a proposer and seconder, both of whom must be on the Electoral Register for that Community Council area. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.

A nomination form should be completed, the style of which will be developed by West Dunbartonshire Council, with input from the Forum. Nomination forms require to be submitted on the date set down in the election timetable. No nomination forms submitted after that date will be accepted.

Process

Once the nominations have been lodged the same process will be followed as for establishing new community councils outlined above.

1. Should the number of candidates validly nominated equal or exceed HALF of the places available, but be less than or equal to the total maximum permitted membership, the candidates will be declared to be elected and no ballot will be held.
2. Should the number of candidates validly nominated exceed the total maximum permitted membership as specified for the community council area, arrangements for a Poll will be implemented. At the Poll, each voter will be entitled to vote for candidates up to the number of vacancies on the Community Council.

Should the number of candidates elected, be below HALF of the total maximum permitted membership, as specified for the community council area, no community council will be established at that time. Where that one half is not a round number, it shall be rounded down.

Method of Election

Elections will be based on whole local authority areas or within the agreed community council boundaries, as deemed appropriate. The election method used to date has been postal voting however other methods will be considered as appropriate including online methods. In the main Community Council elections have been uncontested but this could change and appropriate

budget provisions will be made by the Council. Community councillors will be elected on a simple majority basis.

Filling of casual places/vacancies between elections

Casual vacancies on a Community Council may arise in the following circumstances:

- when a Community Council member submits their resignation
- when a Community Council member ceases to be resident or registered on the electoral register within that Community Council area
- when a Community Council member has their membership disqualified or revoked
- when a Community Council member is elected to West Dunbartonshire Council
- due to significant non-attendance by a Community Council member at any Community Council meeting, with or without submitting apologies, throughout a period of 6 months. Community Councils should refer to section 9 in the scheme.

Should a vacancy or vacancies arise on a Community Council between elections, it will be a requirement that the Community Council undertake appropriate election arrangements, in consultation with West Dunbartonshire Council.

Filling a vacancy can be undertaken either through the process of an interim election or by co-option. However, should circumstances arise that lead to the number of elected community councillors falling below HALF of the maximum permitted membership, the local authority will be informed and will undertake arrangements for an interim election to be held.

There is also provision for associate, ex-officio and co-opted membership as outlined in the Scheme, Standing Orders and Constitution.

Term of Office

The term of office will be determined by the election cycle or circumstances where an interim election is triggered, or where membership ceases etc. as outlined elsewhere in The Scheme and Handbook.

13. MEETINGS

The first meeting of a Community Council following a community council election, will be called by the independent Returning Officer approved by the local authority and will take place within 21 days of the date of the election, or as soon as practicable. Please refer to the Model constitution and Standing orders.

Inaugural Meeting

The business of the inaugural meeting may include consideration of a Constitution and Standing Orders, appointment of office bearers and any outstanding business matters from the outgoing Community Council.

Adoption of a constitution by the Community Council and approval by West Dunbartonshire Council must follow within 4 months of the Inaugural meeting.

Unless the Community Council agrees and signs their constitution and seeks approval of the same by West Dunbartonshire Council, the Community Council shall not be formally constituted, and should take steps to rectify this as soon as practicable. Support can be provided by the Council with this process

Meeting Frequency

The frequency of meetings will be determined by each Community Council, subject to a minimum of one Annual General Meeting, if held and 6 ordinary meetings being held each year. The Annual General Meeting shall be held in a month of each year to be determined by the Community Council.

Notice of Meetings and publicity

Notices calling meetings of the Community Council and its committees will be advertised by a variety of methods as appropriate including posters, press, e-bulletins, social media and via groups and networks. This should be done in advance of the meetings to reach as many of the local community as possible. Also Community Councils can use these methods to publicise projects, activities and events they are involved in and to reach out to new members and increase their membership and representation.

Community Council meetings should be held in an accessible central venue e.g. community centre, church hall or online via Zoom or MS Teams. Any online platform must be accessible and easy to access. WDC Communities Team can provide guidance and support on the use of Zoom and MS Teams for those who may require it. Links to meetings and Zoom or MS Teams

codes should be distributed as wide as possible and as early as possible to allow people notice. Additional support with digital methods should be available for anyone who needs it. Community Councils should where possible aim to be relevant, interesting and informative to the community agendas open for items from local residents to be added.

Public Participation

All meetings of the Community Council and any sub-committees will be open to members of the public. Care should be taken to ensure that venues are accessible to all and risk assessments carried out as appropriate. Also provision should be made for members of the public to attend meetings and address the community council and raise concerns as appropriate, under the guidance of the Chairperson. There is also the option to hold digital meetings where suitable and convenient to do so and advice and support with this can be provided by the Communities team.

Partnerships

Community Councils are encouraged to engage within positive working partnerships within the community they represent from public bodies, private sector, third sector and citizens.

National Example in practice

Some national examples can be found at: <https://www.communitycouncils.scot/the-work-of-community-councils/showcases>

West Dunbartonshire Community Council Forum (The Forum)

The Forum aims to bring together and promote the collective interest of Community Councils and improve communication for the benefit of the Community Councils in West Dunbartonshire. One of its functions is to ascertain, co-ordinate and express the collective views of Community Councils in West Dunbartonshire, and in dealing with public authorities, Scottish Parliament and other organisations and individuals, as appropriate.

The Forum will act in the interests of the Community Councils as a collective voice and advocate for their interests. Community Councils can nominate 2 voting representatives within the Forum. The Forum take an active role in key shared issues and in the development of training and support to Community Councils. Full training needs assessments will be carried out as required to develop and maintain an accurate picture of what the requirement are. Some training needs that have already been identified are:-

- Community Empowerment Act (2015)
- Equality Act
- Financial Compliance

The Forum is non-party political, non-sectarian and non-racial in line with Community Councils throughout West Dunbartonshire.

The Community Alliance currently acts as the community voice in Community Planning, however it is not clear at time of writing if the Alliance will continue in its present form, or whether a different mechanism for expressing community views within Community planning structures will be developed. Work is currently ongoing, as part of a Communication plan and delivery of the West Dunbartonshire Community Empowerment Strategy (2019), to improve communication and an effective voice in community planning. This section will be updated as new information emerges.

As it stands, the Community Alliance aims to promote and support community empowerment in two different ways. By providing opportunities for communities to engage with and influence the decision making process and acting as a conduit between Community Planning and local communities ensuring the transfer of information in both directions and ensuring that communities can inform and / or influence the services that affect them and impact upon their quality of community life.

Quorum

A quorum is the minimum number of people who have to be in attendance for a meeting to go ahead. The quorum for Community Council meetings is one third of the current voting membership of a Community Council, or 3 voting members, whichever is the greater.

Content of Business

An outline for the content of business that Community Councils should adhere to when holding ordinary, special and Annual General Meetings is contained within the Standing Orders.

Standing Orders

Each Community Council is required to adopt Standing Orders based on the Model Standing Orders to encourage and maintain consistency for all Community Councils and to make sure meetings are properly structured and regulated, to ensure that items of business relevant to the community are properly debated and decisions reached in a democratic manner.

Standing Orders will not be suspended except at a meeting at which three-quarters of the total number of Community Council members are present and then only if the mover states the object of his motion and if two-thirds of the Community Council members present consent to such suspension.

Agendas

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

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**Meeting of the (name of Community Council) at (enter venue)
on (enter date and time) AGENDA**

1. Apologies and Declarations of Interest
2. Minutes of Last Meeting
3. Matters Arising
4. Police Report
5. Any arranged speaker/presentation (if appropriate)
6. Urgent Items of Business
7. Planning applications
8. Reports from Sub-Committees/Working Groups
9. Updates from West Dunbartonshire Councillors
10. Any questions from Members of the public
11. Correspondence
12. Treasurer's Report
13. Time and Place of Next Meeting

It is worth noting that discussion of matters arising should be kept to a minimum for items not on the full agenda only.

An example can be found at <https://parkscommunity.org.uk/running-your-group/sample-meeting-agenda/>

Annual General Meeting

An AGM will be held once a year as outlined in the Constitution. At this meeting Chairman's, Secretary's and Treasurer's reports will be presented for discussion. The submission and approval of the independently examined annual statement of accounts will be presented. Also nominations will be sought for office bearers whether existing office bearers wish to continue or step down or where vacancies have arisen.

Special Meetings

Special meetings will be held as outlined in the Constitution where there is a request received, there is special business to discuss which cannot be accommodated within the regular cycle of meetings or as called by the local authority. The Community Council has a duty to be responsive to the community it represents. Notice will be given and these will be advertised as outlined in the Scheme.

The Community Council can also hold private meetings or sub group meetings of the Community Council where it considers it appropriate to do so. Some community councils set up sub groups to carry out consultations or plan for events or other specific purposes. A Community Council can also nominate representatives to form part of a steering group to develop a local plan.

For private meetings the process will be followed as outlined in the Constitution. The decision to meet in private will be agreed in advance and decided by a majority vote. Notice of such a meeting will be given to the public in the usual way. However, the Notice will record that the meeting, or a part thereof, will be held in private.

Minutes of Meetings

Copies of the minutes of each meeting of the Community Council and of sub-committees will be approved at the next scheduled meeting of the Community Council, but the draft minute will be circulated as soon as possible following the meeting, to Community Council members, posted on community notice boards, in libraries or other suitable locations, community council's own web pages, and forwarded to the Communities Team and Community Council inbox to be added to the Council website.

14. MINUTES OF MEETINGS

It is a requirement of all constitutions that formal minutes are kept of meetings. This is the responsibility of the Secretary. However, this can be delegated to a minute secretary which can free up the Secretary to carry out other duties and take a more active part in the meeting.

Nevertheless the responsibility for the minute rests with the Secretary even when a Minute Secretary is in place. There have been some challenges for some community council fulfilling this role and support is being given to actively seek solutions for this.

Format of Minutes

Minutes in a standardised format must be taken of all ordinary, special and annual general meetings. They must record the date of meeting, time and location, those present, apologies received, all appointments to sub-committees, votes, agreed expenditure, topics discussed and agreed actions.

Minutes do not need to record every word said, rather they must summarise the views expressed and record conclusions. The format of the minutes follows closely that detailed for the agenda with subheadings/numbering corresponding to agenda items and each topic discussed.

The minutes of the previous meeting are formally approved. The Chairperson should ask those who were present at that meeting if they are in agreement that it is a true record of the meeting concerned. If any Member wishes to query any point, this is the time to do it. Any suggested amendments are discussed and, if agreed, are noted and minuted. This is an opportunity to clarify accuracy, not re-open discussion on decisions made. It is the responsibility of the Chairperson to manage this discussion. An example can be found here:

<https://parkscommunity.org.uk/running-your-group/sample-meeting-agenda/>

Declarations of Interest

At times, matters may be under discussion by the Community Council that directly affects a member of the Community Council or other parties with whom they have a close business, personal or family relationship. In these circumstances there is likely to be a potential conflict of interest with their role as a Community Councillor that requires to be addressed. This should be noted in the minutes.

The Code of Conduct (Appendix 3.) sets out that where such a conflict arises the member affected should declare the interest, and in appropriate cases, withdraw from the meeting prior to the matter coming under discussion and take no part in the decision. It is your responsibility to identify whether you have an interest and to declare it.

Present/ Apologies

It is also important to record who was present, so that it will be known in the future. The apology of any Member who is unable to attend is also recorded for the minutes. Minutes should include a record of numbers of the public in attendance.

Matters arising from the minutes of the last meeting

Matters arising should relate to any outstanding actions avoiding the necessity for each item to be listed on the agenda. This procedure ensures nothing is forgotten and that actions promised at the previous meeting have, in fact, been carried out. As all discussion is recorded in the current minutes, items completed drop out, items still ongoing should come up at the next meeting. Any correspondence received relative to matters being discussed is best read out by the Secretary at the appropriate point.

Correspondence Received

During correspondence any letters, emails phone calls etc received since the last meeting on new topics should be read out by the Secretary and any necessary actions requiring to be taken by the community council.

Reports

A summary of reports either written or verbal shall be recorded on the minute

Any other competent business

A summary of reports either written or verbal shall be recorded on the minute

Questions from the floor

Any questions from the floor, and responses, should be summarised and included in the minute.

Date of next meeting

Details of the next meeting should be included in the minute.

Close meeting

The time the meeting ended should be included in the minute.

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15. FINANCES

All monies raised by, or on behalf of, the Community Council or provided by West Dunbartonshire Council and other sources will be applied to further the objectives of the Community Council and for no other purpose.

The Community Council grant is provided by West Dunbartonshire Council for administrative and other approved purposes. Ensuring this is within the aims and objectives of the Community Council. Finance raised from other sources may be used in accordance with the terms of their provision (so long as they are consistent with the objectives of the Community Council).

The treasurer is responsible for keeping proper accounts of the finances of the community council.

Authorised Signatories

Any two of three authorised signatories, who would normally be office-bearers of the Community Council, may sign cheques on behalf of the Community Council. Authorised signatories may not be co-habitees.

Statement of Accounts

Community Councils are expected to produce an annual record of their outgoings and incomings for the financial year from 1st April – 31st March. This does not need to be audited by an accountant however, this does need to be verified by an independent professional person, which can include an officer from West Dunbartonshire Council or a neighbouring local authority, or suitable person. If community councils want to get their accounts audited professionally a suitable independent examiner can be accessed through the Association of Charity Independent Examiners (www.acie.org.uk) however other suitable independent examiners will be available elsewhere.

The Independent Examiner of the Community Council's accounts shall not be a member, a direct relative of a member, or related by birth, marriage, civil contract or co-habitation to a member, of the appointing Community Council. Direct relatives are considered to be spouse; partner; parent; sibling; child by blood, adoption, or marriage; grandparent or grandchild; 1st and 2nd generation aunts; uncles; cousins; nieces; and nephews.

The accounts are required to be forwarded immediately, following their approval at the Community Council's Annual General Meeting to the Council's Finance team for approval.

The Council's Finance team may require further evidence such as records, vouchers and account books, and will work with community councils and the Community council Forum to make clear what the requirements are. When accounts are sent to West Dunbartonshire Finance department, finance will aim to process the new grant within a 6 week turn around.

Financial Year

The financial year of the Community Council will be from 1 April until 31 March the succeeding year. Examined accounts as received and approved by the Community Council at the Annual General Meeting will be submitted to West Dunbartonshire Council following approval at the Community Council's Annual General Meeting.

Resources and Support

Each Community Council will have the power to secure resources for schemes, projects and all other purposes consistent with its functions.

Subject to the availability of resources and approval to allocate such resources, West Dunbartonshire Council will determine any additional support services/resourcing to suit local requirements. West Dunbartonshire Council will review the level of annual Community Council grant as part of the annual budget setting exercise and other support available to Community Councils following each local government electoral cycle.

Community Council Grant

The Community Council grant is to enable the Community Councils to cover the associated costs related to the running, administrative and secretarial expenses necessarily incurred by the Community Council on behalf of the community. The grant can also be used to promote the Community Council or used in the interests of the Community in line with the stated objectives of the Community Council. And for projects, events and activities to publicise the community council and encourage new members to join. Receipts must be kept and evidence of expenditure and it must be for the purposes outlined above.

Who is eligible?

Any Community Councils which meet the requirements of and comply with the Scheme.

Bank Account and Other Required Information

To qualify for a grant the Community Council must have a bank account. To access grant funding Community Councils must on an annual basis provide West Dunbartonshire Council with:

- Annual accounts for the previous financial year
- Minutes of all meetings from the previous year
- Most recent bank statements (not more than three months old).
- If the bank statement is in the form of a passbook, a copy of the book showing the Community Council's name, account number and current balance
- If the Community Council is newly established and this information is not available, the named official of the Council should be alerted to this.
- The annual community council grant will be withheld by West Dunbartonshire Council until the documents listed above are provided for the prior financial year.

Community Council Grant Calculation

Each financial year, West Dunbartonshire Council will decide on the amount of funds to be set aside for general running costs of Community Councils, providing they comply with the Scheme.

This sum consists of:

- A fixed basic grant for all Community Councils

- A per capita allowance per head of population of the area of the Community Council
- An amount which will allow suitable insurance cover organised as a collective through the Forum.

In line with the Scheme adequate insurances must be in place. The Council can assist with the administrative arrangements to ensure that insurance is in place, however the responsibility lies with the Forum and individual Community Councils. The Finance Team must remain independent of this process due to their audit role. However payment can be organised on behalf of the Forum and the respective shares of community councils and the Forum deducted from their admin grant to ensure that adequate insurance cover is in place.

In specific cases, for those Community Councils who own and maintain a property, grant may be awarded for property costs (such as utility costs), in addition to their formula. This grant award is considered separately on actual property costs incurred and let income generated.

Surplus Funds

In deciding the amount payable to a Community Council, West Dunbartonshire Council will take into account any surplus funds held by a Community Council. This information will be taken from the Annual Financial Statements and Bank Statements which require to be provided to the Council following each year end.

The Financial Statements require to disclose separately all income from whatever source it is obtained and will also show all expenditure even where it is not simply the expenditure of the grant provided by West Dunbartonshire Council.

Expenditure charged to other funding should be clearly identified and marked to enable easy review of the use of the administrative grant.

Any reserves built up may be taken into account in future funding depending on the level and plans for spending the sums involved. The finance team will liaise with community councils in these circumstances and a consistent approach will be taken, whilst allowing for the circumstances of individual community councils and plans for future expenditure.

What can the grant award be spent on?

The Community Council grant, and other externally sourced income, may be used to further the objectives of the Community Council and / or the Community in line with the aims of the Community Council and their role in terms of community empowerment.

The Community Council grant can be used for the related running, administrative and secretarial expenses necessarily incurred on behalf of the community by the Community Council. Some examples of typical costs are:

- Insurance
- Auditors' fees
- Production and circulation of minutes, agenda and annual reports
- Stationery
- Photocopying
- Postage
- Travel costs
- Communication costs (phone/ broadband etc,) (up to a maximum agreed amount)
- Accommodation lets
- Affiliation fees
- Subscriptions
- Bank charges
- Advertising
- General Publicity and promotional activities.
- Consultation with the community.
- Representation of the Community Council at Community Events.

The above list is not exhaustive but expenditure must meet the overall criteria and aims outlined above.

Ineligible expenditure

The community council grant awarded by West Dunbartonshire Council cannot be donated or gifted in any way. Also it cannot be used for the membership or sponsorship of any political party or affiliation; Parliamentary Election, or any election to any Local, National or International Authority.

Fundraising

Community Councils may generate income from sources other than the Council. This income may also be applied towards expenditure not contemplated by the grants awarded by the Council. Support is available to assist community councils to look into other funding from the Council or voluntary sector. There are examples where community councils have accessed funds from community budgeting or other sources for a range of community projects and improvements, including Clydebank East Community Council.

The accounts of the community council will be required to disclose all income from whatever source it is obtained. In addition accounts will be required to show all expenditure relating to and incurred by the Community Council. Expenditure charged to other sources of income should be clearly identified and marked in Financial Statements.

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16. INSURANCE AND LIABILITY

Community Councils must consider the need for public liability insurance.

Community Councils should make provision of suitable insurance, providing cover for members in relation to their activities and also to cover against accident in relation to travel on community council business and in relation to events organised by community councils. The Communities team can provide advice and assistance on this.

Community Councils are currently constituted as unincorporated bodies, and as such do not have limited liability status. Community Councils should contact the Communities team for any further information or advice on insurance.

The current block insurance for Community Councils does not include Indemnity Insurance i.e. providing legal exemption from penalties incurred through a Community Councillor's acts or defaults; the responsibility for a Community Councillor's actions and words lies solely with the individual. It should be made clear that Community Councillors should show due diligence with their individual and collective conduct, use of social media etc. in the same way that they would personally.

If the conduct of a Community Councillor is such that grounds are raised and substantiated by undisputable evidence for someone to consider a lawsuit, the onus is on Community Councillors to explain themselves

Further details of insurance cover are available on request.

17. PLANNING AND LICENSING

Community Councils have a statutory right to be consulted on applications for planning permission and on all applications for provisional/premises licences and major variations to premises licences and other matters. The Community Council has a distinct role, representing a broader community, and local views, which can be set alongside the comments of those with a more individual interest.

Planning

Planning is often a key role for Community Councils and to the public in their areas, and they are a statutory consultee. This includes considering planning applications and how they should respond to these, being consulted on developing Local Development Plans and other planning consultations. Community Councils may establish sub-committees or working groups to deal with planning issues given the timescales involved and the degree of scrutiny often required.

More information about Community Councils and Planning Authorities responsibilities and further information can be found on the Scottish Community Council's [website](#)

Planning consultations can occur in two ways:

- Firstly, a Council, as planning authority, can formally consult a Community Council on specific proposals for development which may be of interest within your community area.
- Secondly, a Community Council can request a consultation on the application. This request can be made after receiving and considering a weekly list of all planning applications submitted to West Dunbartonshire Council.

Named Contact

The Community Council must have a named contact for planning for planning applications and consultations. Any changes to the named contact must be sent to the Communities team or Planning contact direct (see contacts list at Appendix 3) as soon as possible to ensure information is correct at all times.

Planning Applications

Once the Community Council receives the list of planning applications, they have 7 working days from the date of receipt of the list to request a consultation on any of the applications of

interest to them. All valid planning application can be viewed on line through the West Dunbartonshire Council's online planning register - [Public Access](#)

When the Community Council receives the consultation they have a 14 day period in which to reply with any comments they may wish to make. If they cannot return their comments within the time period they should make contact and advise of the situation and when a reply could be expected. The Planning Officer assigned to the planning application case will contact them directly to discuss the matter.

You can respond to the consultation either by letter or email. Please use the email address provided on the consultation sheet when responding this way. Once received, the views of the Community Council will be taken into account during the decision making process.

Once a decision has been made on an application they will be able to view decision notice on the West Dunbartonshire Council's online planning register - [Public Access](#).

Local Development Plan

Community Council involvement is an important part of development plan preparation and West Dunbartonshire Council carries out extensive consultation at all of the various stages of the plan. Local engagement exercises are often arranged by Community Councils as a means of obtaining local views and responses to proposals. Similar consultation takes place on any subsequent policy documents such as supplementary guidance, planning guidance or development briefs.

Local development plans set out how places should change and what they could be like in the future. They set out preferred locations for new homes, businesses and other land uses and protect places of environmental and cultural value. Under the new planning act, the Local Development Plan and the National Planning Framework will be used to assess development proposals submitted to the Council.

The Council must prepare a local development plan every 10 years. In addition to this planning guidance is also prepared on specific issues such as renewable energy and the green network, as well as development briefs and masterplans. Community Council involvement is an important element of the local development plan process. Preparing the plan and planning guidance requires significant engagement between community representatives and the council.

More information about the Local Development Plan can be found on West Dunbartonshire Council's [website](#).

More information about Community Councils and Planning Authorities responsibilities and further information can be found on the Scottish Community Councils [website](#)

Local Place Plans

Community Councils are community bodies which have recently been empowered to prepare Local Place Plans for their area. Local Place Plans are community led plans which set out proposals for the development and use of land. These are a new tool for communities to shape the places which are important to them which has been introduced through the Planning (Scotland) Act 2019. The aim is to empower communities to engage earlier in the planning process and to give them a proactive role in influencing planning decisions. Local Place Plans must be taken into account by the Council when preparing the Local Development Plan, the key policy document for planning at a local authority level.

Local Place Plans are an opportunity for communities to guide changes in a way that best suits their needs, whilst responding to key challenges such as the climate emergency and tackling inequalities.

The new legislation gives communities the power to give their plans statutory weight. Circular 1/2022: Local Place Plans¹, provides legislative guidance on the preparation, submission and registration of Local Place Plans. In addition to the legal requirements set out in the circular, regulations and legislation, the Scottish Government is preparing more general guidance on the process of preparing a Local Place Plan. The Draft 'How to Prepare a Local Place Plan' Guide² intends to help communities decide if a Local Place Plan is right for them, and how to go about preparing one.

Community Councils can play a key role in developing local neighbourhood plans and this is already starting to happen in a couple of areas in West Dunbartonshire.

As part of the West Dunbartonshire Community Empowerment Strategy (2019) support there is some available for any community organisations interested in getting involved.

¹ <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2022/01/circular-1-2022-local-place-plans/documents/circular-1-2022-local-place-plans/circular-1-2022-local-place-plans/govscot%3Adocument/circular-1-2022-local-place-plans.pdf>

² <https://www.transformingplanning.scot/media/2236/draft-how-to-prepare-a-local-place-plan-guide-pdf-format.pdf>

Further details can be found here: <https://www.west-dunbarton.gov.uk/community/community-planning-west-dunbartonshire/west-dunbartonshire-plan-for-place/>
<https://www.west-dunbarton.gov.uk/council/strategies-plans-and-policies/cw-strategy-and-action-plan/>

Community Led Action Planning

Community engagement takes many forms. It sometimes involves systematic work in communities to set a local agenda, determine priorities and take action in communities to make positive change happen. This approach is known as **community led action planning** and can also involve securing partnership involvement from agencies in working with communities to get things done. The Community Empowerment (Scotland) 2015 and The Planning (Scotland) Act 2019 both have local planning processes in them called Locality Planning and Local Place Plans, as outlined above.

There is a toolkit for community led action planning which was designed by Scottish Community Development Centre for Argyll and Bute Council but is being used more widely across Scotland by communities to make their own action plans.

<https://www.communitytoolkit.net/#:~:text=The%20Community%2Dled%20Action%20Planning,it%20will%20be%20carried%20out>

Please see some examples of community led action plans:-

- **The Langholm Alliance** were able to secure funding for a Development Manager and assistant – around £80k from SOSE (South of Scotland Enterprise) to take the plan forward. Their plan was launched in Dec 19. As a result of the plan they have been approaching agencies and the council to realise the themes and to bring the community together. To see the full plan click here:
http://thirdsectordumgal.org.uk/wp-content/uploads/2019/11/Langholm-Action-Plan_Nov_2019.pdf
- **Shotts Community Action** Plan refers to a range of achievements during the term of its 2013-18 action plan, including: £500,000 of funding being secured; improved community transport; and asset transfer of Springhill Hall <https://www.coalfields-regen.org.uk/wp-content/uploads/2019/10/Shotts-Community-Action-Plan-2019.pdf>This 2019 Community

- **New Cumnock Community Action Plan (2019)** lists a range of achievements such as improvements to housing stock, investment in swimming pools and improvements to train services <https://www.east-ayrshire.gov.uk/Resources/PDF/N/New-Cumnock-Community-Action-Plan-Review.pdf>
- **Catrine** Community Action Plan in East Ayrshire has involved work around 2 community asset transfers. <https://www.east-ayrshire.gov.uk/Resources/PDF/C/Catrine-Community-Action-Plan-Annual-Review-2018.pdf>
- **Crianlarich** - [Action Plan](#) led to three projects that were prioritised in the CAP:
 - immediate investment of £15k from the National Park to smarten up the public toilets (a key destination in the village!)
 - a long lease of the Council-owned old station yard in the very centre of the village, as a green space with picnic tables and visitor car parking
 - £200k lottery funding to build a path network around the village of an off-road path network for local folk and visitors
- **Colmonnel village plan** Was agreed in 2020 and will help lead development on the village over the next five years. <https://colmonellvillage.co.uk/2021/01/13/colmonell-2025/>
- **Lochalsh [Community action Plan](#)** Will be published in the summer of 2022 and is a plan covering five community Councils areas and has been produced with local community development trusts and other organisations.

Licensing

Community Councils have a statutory right to be consulted, in terms of section 21 of the [Licensing \(Scotland\) Act 2005](#), in addition to the right to be consulted on all applications for provisional/premises licences and major variations to premises licences, and they are also consulted on the development of the Licensing Policy Statement and any supplementary Licensing Policy Statement.

Community Councils are consulted in respect of alcohol licence applications.

Consultations can be:

- Specific: i.e. specific notice is sent in respect of new premises licences and major variations to a premises licence (e.g. proposed increase in hours or activities). Specific consultation is for minimum of 21 days; or
- General: i.e. a general notice is given in respect of occasional licence applications on the licensing pages of West Dunbartonshire Council website for any member of the public (including Community Councils), to comment upon. General consultations lasts for a minimum of 7 days, unless special circumstances justify a shorter period. For this purpose specific notice is not given that the application appears on the website. It is up to the public to monitor the website.

The role of the Community Council in the licensing process is to represent the view of the community as to the appropriateness of the use of buildings for purposes requiring a license. Although anyone can lodge an objection or representations in respect of premises licence application, Community Councils have built up considerable knowledge and experience in these issues and often have a good collective idea of how proposals fit with community opinion

An objection is an objection to any licence being granted. A representation means a licence is acceptable in principle but the representor would like to see modification or conditions to address perceived problems. Any objection or representation needs to be related to the licensing objectives that are detailed in the Act itself. Those are:

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health, and
- protecting children and young people from harm.

There are also extended hours applications where the licence holder wishes to extend normal licensing hours for a specific event on licensed premises. Those applications are only notified to the Police and the Licensing Standards Officer.

Further information and enquiries regarding licensing can be found at www.west-dunbarton.gov.uk

Civic and Gambling Licensing

Community Councils may also have some involvement in civic licensing and gambling licensing.

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18. EQUALITIES

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

The [Equality Act 2010](#) provides a cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all. The West Dunbartonshire SFEOCC describes your responsibility in helping to bring this about. The Equality and Human Rights Commission provide [helpful information on the act](#). It updates previous legislation with the intention of levelling up protection and proactively advancing equalities, and helping build a fairer society where everyone can contribute.

The Act bans associations from discriminating against, harassing or victimising people. Associations must also make reasonable adjustments to allow people with disabilities to participate.

They are required to take reasonable action to work for equality of opportunity and outcome, across “protected characteristics” identified in the Act which are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Of course every one of us has ‘protected characteristics’, but it is the treatment individuals and groups receive, the level of autonomy and involvement they have, and the positive or negative outcomes for them, which affect the quality of their lives.

Community Councils should therefore make a particular effort to actively and sensitively involve these groups and encourage membership from a diverse body of members. Further details of contacts for a range of equalities groups can be provided as required.

Community Council, meetings of the Community Council should take place in venues that are accessible to all, and when meetings have a digital element, accessibility also needs to be proactively considered.

We know that this is an area where community councils might need to further develop their skills and expertise. The Equalities Forum in West Dunbartonshire has committed to assist Community Councils to ensure they are as accessible as possible and make use of local organizations such as the West Dunbartonshire Access Panel.

Community Councils individually and through the Forum are encouraged to learn about equalities issues and how to combat inequality. This will be further explored in a Community Council induction pack and handbook. The Council also recognises the need to make sure that our support staff help community councils to consider this issues and plan for full and equal participation.

Further information can be found on the website of the Equality and Human Rights Commission Scotland <https://www.equalityhumanrights.com/>

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19. COMMUNITY ENGAGEMENT

Community engagement is a way to build and sustain relationships between public services and community groups - helping them both to understand and take action on the needs or issues that communities experiences.

Key to the role of community councils is representing all aspects of the community, making efforts to overcoming obstacles they might have in taking part and “engaging” with everyone to represent their views and interests. We know that not every Community Council can achieve this level of engagement at every stage and the council are committed to helping communities develop their engagement over time with support from the Communities team.

Therefore, Community Councils should ensure they consult as widely as possible with the community. They should also encourage local interest and participation in community debate. They should be aware of the National Standards for Community Engagement and the relevant equality legislation when planning and undertaking consultation. Advice and support is also available from the Communities team.

This link to the national community council website has examples of effective engagement carried out by community councils <https://www.communitycouncils.scot/ideas>. The example from Moray, Scalloway, Leith Links and Clovenford are particularly useful.

National Standards for Community Engagement

The National Standards for Community Engagement are good-practice principles designed to support and inform the process of community engagement and improve what happens as a result. They were originally launched in 2005 and since then they have been used to support community engagement, and user involvement, in Scotland in areas such as community planning and health and social care. They have been widely accepted by a range of practitioners as key principles for effective practice. They are also noted in the Guidance for the Community Empowerment Act on community planning as expected principles for public bodies in delivering their duties to involve communities. For this reason they could also be used to hold public agencies accountable for the quality of their engagement.

They can be used to plan your own engagement work or review processes that others have set up. Sometimes they are used by communities and agencies working together in partnership to find out people's views.

West Dunbartonshire Council and West Dunbartonshire Community Planning Partnership have endorsed the use of the National Standards for Community Engagement and these are really important to our community empowerment approach.

More details on principles, training, SCDC VOICE engagement planning tool and an accessible [video](https://www.voicescotland.org.uk/) about the standards can be found here: <https://www.voicescotland.org.uk/>

There are 7 Standards:

- Inclusion
- Support
- Planning
- Working together
- Methods
- Communication
- Impact



They are underpinned by principles of good practice that have been endorsed by community and agency representatives across Scotland to promote equality and fairness.

20. Community Empowerment Act 2015

The key aims of the Community Empowerment Act 2015 can be summarised as follows:

- Aims to change the balance of power between communities and the public sector.
- Introduces many more rights for community bodies.
- Strengthens their voices in the decisions that matter to them.
- Encourages partnership working between service providers and communities, focusing on achieving outcomes and tackling inequalities.

Some of the key parts of the Act concern changes and new rights in the following areas:

- National outcomes
- Community Planning
- Participation requests
- Community Right to buy land
- Asset transfer

Further information and summaries of the key provisions. can be found here:

<https://www.gov.scot/policies/community-empowerment/>

<https://www.gov.scot/publications/community-empowerment-scotland-act-summary/>

<https://www.scdc.org.uk/what/community-empowerment-scotland-act-2015>

Details of some of the key provisions of the act are outlined in Appendix 2.

In response to the legislation The West Dunbartonshire Community Empowerment Strategy was developed. It outlines an approach to promoting empowerment and encouraging involvement in West Dunbartonshire led by the Council and partners organisations. Community councils have a key role to play in this. Further details of the Strategy an action plan can be found here

<https://www.west-dunbarton.gov.uk/council/strategies-plans-and-policies/cw-strategy-and-action-plan/>

We are currently working on delivering on the plan and consulting with community organisations including community councils on making this happen.

21.UK General Data Protection Regulation / Data Protection Act 2018

The UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 regulates the way personal data is collected, processed and stored.

Community Councils must be registered with the Information Commissioners Office (ICO). This is to ensure that you comply with the act.

- If obtaining, using or storing personal information you must have the consent of each individual. It should only be used for the purposes that the individual provided it for.
- If the individual asks that their personal information be deleted, this must be carried out as soon as possible after receiving the request.
- If any personal data is no longer required for the purposes it was collected, it must be deleted as soon as possible.
- No personal data held should be shared or passed to any other individual or organisation without an appropriate data sharing agreement being in place.
- Regular checks should be made to ensure that any personal data held is accurate and up to date.
- Only the required minimal personal data should be collected. Do not ask for personal information that is not required for the purposes of Community Council work.
- If you encounter a data breach, you have 72 hours in which to investigate and report it to the Information Commissioners Office (ICO).

More information is available on the Information Commissioner's Office [website](#).

22. Information Technology

Community Councils use IT as an essential business, communication, and research tool for all members who have access to IT facilities. It is therefore important that adequate steps are taken to minimise any risk.

LEGAL FRAMEWORK

Community Councils should aim to comply with all relevant legislation and guidance on the use of IT equipment but with the following in particular:

- Computer Misuse Act 1990
- Copyright, Designs and Patents Act 1988
- Data Protection Act 1998
- The Health and Safety at work Act 1974
- Regulation of Investigatory Powers Act 2000
- ICO Privacy and Electronic Communications Regulations

PRINCIPLES & PURPOSE

This IT guidance has been produced to protect the rights of members, past, present, and future, from potential threats of the Internet, the use of email, and all other IT services.

- Applies to all members of the Community Council and all IT resources.
- Aims to establish basic guidelines for appropriate use of the resources.
- Details the responsibilities and obligations users have when accessing IT facilities
- Aims to preserve confidentiality, integrity, and availability of all data.

Community Councils should ensure that all members comply. If a situation arises it will be dealt with immediately, as inaction is not an option.

SECURITY

Users must take appropriate measures to ensure the physical security of equipment to prevent theft, accidental damage or unauthorised access. These include ensuring all important data is securely backed up on a one drive / cloud or secure pen drive, users are logged off if leaving any IT device for any length of time, and all mobile IT equipment is locked away while not in use. Community Council members with access to personal data are in a particularly sensitive position and must bear in mind at all times the provisions of the GRPR 2018.

Email

The contents of e-mails should be checked carefully by users and should be treated like any other form of written communication in terms of etiquette and content, before being sent. The use of e-mail to send or forward messages which are confidential, defamatory, obscene, or otherwise inappropriate should therefore be treated as misconduct.

SOCIAL MEDIA

If using social media platforms, users should be aware of the language and content of their posts – in particular where Community Councils are mentioned or have an association with the account or person posting them.

Facebook/Twitter/Instagram

All social media accounts should be managed by a dedicated social media team or member and not controlled by a third party. Community Councils should be encouraged to 'Like' organisations and people with aims and objectives broadly similar to our own or those whose posts Community Councils feel would be beneficial to our community. 'Liking' in no way implies endorsement of any kind.

Community Councils should update and monitor accounts whenever possible. The purpose of the dialogue on your social media pages is to enable as many people as possible to read and comment on your posts. Community Councils want to keep discussion as open as possible

and will not attempt to exclude or edit critical opinions. However, to protect this service from abuse, please ensure that your ideas/comments:

- are respectful of others – comments should not be malicious or offensive in nature, and should not constitute a personal attack on a person's character
- do not incite hatred on the basis of age, disability, gender reassignment, marriage, and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation or other personal characteristics
- do not include swearing, hate-speech or obscenity
- do not reveal personal details, such as private addresses, phone numbers, email addresses or other online contact details
- do not break the law – this includes libel, condoning illegal activity, and breaking copyright
- do not advertise commercial products and services. You may mention relevant products and services as long as they support your idea/comment
- are reasonably concise, and don't constitute spamming of the site
- are in English – unfortunately, we do not currently have the resource to moderate comments in other languages
- are relevant – please don't post messages unrelated to this channel or the subject under discussion
- do not breach Facebook/Twitter/Instagram's standard terms and conditions

Please do not impersonate or falsely claim to represent a person or organisation.

Community Councils should welcome feedback and ideas from all the community they represent, and endeavor to join the conversation where possible. Community Councils should not engage on issues or answer questions which do not meet the guidelines above.

Community Councils should read all direct messages and ensure that all messages are replied to when possible.

23. DISSOLUTION OF A COMMUNITY COUNCIL

Not all Community Councils are successful and there may be a need for a Community Council to be dissolved. There may be a number of reasons that a Community Council has to be dissolved but there also may be support available to prevent it.

If a Community Council by a two-thirds majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it will agree a date for a public meeting to be held to discuss the proposed resolution to dissolve. It is a requirement that at least 10 days prior to the date of such meeting a public notice be given by means of notification in the local newspaper.

If the resolution is supported by a majority of those persons present and qualified to vote and is approved by West Dunbartonshire Council, the Community Council will be deemed to be dissolved and all assets remaining, subject to the approval of West Dunbartonshire Council, after the satisfaction of any proper debts or liabilities will transfer to West Dunbartonshire Council who will hold same in Trust for a future Community Council representing that area.

Should a Community Council fail to hold a meeting for a period of 3 consecutive prescribed meeting dates, or its membership falls below the prescribed minimum for a period of 3 consecutive prescribed meeting dates (during which time the Community Council and West Dunbartonshire Council have taken action to address the situation), West Dunbartonshire Council will take action to dissolve that Community Council.

Where for any reason, the number of Community Council members falls below the minimum specified in the Scheme, West Dunbartonshire Council may, by suspending the Constitution of the Community Council, cause the Community Council to be dissolved and in this event., the procedures for the establishment of a new Community Council being those identified in the immediately preceding paragraph hereof, will be initiated.

In the event that the Community Council be dissolved under the above procedure, and twenty or more electors subsequently wish the re-establishment of a Community

Council for the area, these electors will submit a requisition to the local authority in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Returning Officer will arrange for elections to be held in accordance with the Scheme.

For more information about dissolving a Community Council or support available to prevent the dissolution of a Community Council can be provided by the Communities Team.

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Appendix One: Community Empowerment Act provisions most relevant to community councils

1. Asset Transfer – or other means of community control of assets

There are several ways in which Community Councils, uniquely placed at the centre of their communities, can play a key role, particularly in the early stages of the asset transfer process. As well as being able to give a group advice on the wider aspects of community priorities or local plans this support can be by:

- Being proactive and/or involved in creating Community Action Plans for their communities. These not only gather the needs of the community but also look at ways of communities taking the lead addressing these needs where they can and where there is a desire to do so. This has happened all over Scotland and has led to the real empowerment of local communities.
- Exploring as a Community Council, supporting the facilitation of the establishment of an independent, community-run anchor organisation such as a Development Trust, to take ownership of the asset and run it in the future. It is worth noting that it is very important that this anchor organisation has true community support and is a legal entity in its own right.
- Working in partnership with a group which can show community support by enabling them to become a “working group” of the Community Council to explore the asset transfer option. By sitting under the Community Council’s Constitution this enables a group to explore these first stages and apply for funding for feasibility without the need to set up an interim constituted body of their own. If the ownership of an asset seems feasible then this group would establish their own legal structure to carry the project forward.

The third option is particularly helpful at a time when setting up a bank account as a basic constituted community group can take some considerable time and effort. It will be important for a Community Council to check it’s Constitution to make sure it is set up to do this, but most structures do support this role.

If you are a Community Council interested in looking at asset ownership, have a look on the Development Trust Association Scotland website: www.dtascommunityownership.org.uk, or contact them at their office in Edinburgh on 0131 225 208

2. Participation Requests

What is participation and why is it important? The broad aim of the Community Empowerment (Scotland) Act 2015 is that communities can have more influence over the services and decisions that affect their lives. Some of the benefits of better participation include:

- The way in which public services are planned, developed and delivered is influenced by, and responds to, community need.
- People who find it difficult to get involved (for example, because of language barriers, disability, poverty or discrimination) help to influence the decisions that affect their lives.
- The various strengths and assets in communities and across public and private sector agencies are used effectively to deal with the issues communities face.
- New relationships are developed between communities and public sector bodies which build trust and make joint action possible.

Purposes and possible uses of participation requests

There are a number of possible purposes that participation requests can be used for, some of these include:

- To help people start a dialogue about something that matters to their community, through highlighting needs, issues or opportunities for improvement.
- To help people have their voice heard in policy and service development, through contributing to decision-making processes.
- To help people to participate in the design, delivery, monitoring or review of service provision, through contributing to service change or improvement.
- To help people challenge decisions and seek support for alternatives which improve outcomes.

For more information about Participation Requests please visit:

<https://www.west-dunbarton.gov.uk/community/community-planning-west-dunbartonshire/participation-requests/what-participation-request/>

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Appendix Two - Complaints

Community Councils are regularly consulted by the local authority and public bodies on a wide range of issues which affect their area, such as planning, environment and health. All Community Council meetings are open to the public. From time to time,

complaints will be made about Community Councils and individually against Community Councillors.

Community Council members must follow the guidelines outlined in the Scheme for Establishment of Community Councils and the Handbook, Draft Constitution and Code of conduct.

Where someone is dissatisfied or have concerns about the standard of service, actions or lack of action provided by a Community Council or one or more of its members, these can be reported through the Community Council Complaints Procedure or to the communities team by contacting community.councils@west-dunbarton.gov.uk if that is preferred,

West Dunbartonshire Council has a separate Complaints Policy to record and manage complaints by members of the public and this should not be confused with the Community Council Complaints Procedure.

What is a Complaint?

A Community Council complaint is an expression of dissatisfaction or concern by members of the public or members of the Community Council. This may be about the conduct, standard of service, actions or lack of action by a Community Council or its members.

Who can complain?

Anyone who receives, request or is affected by the Community Council can make a complaint. Sometimes you may be unable or reluctant to make a complaint on your own. We will accept complaints brought by third parties as long as given personal consent has been given.

If someone is under 16 and wishes to complain, they may contact us or if they prefer; they can ask a trusted adult such as a parent, older brother or sister, or a guardian to contact us on their behalf. The same applies if someone is vulnerable.

What can someone complain about?

People can complain about things such as:

- Breach of code of Conduct for community councillors
- Inappropriate behaviour or attitude of a Community Councillor when dealing with a Community Council issue.

- Breaches to the WDC Council Scheme for the Establishment of Community Councils.
- Financial irregularities and fraud.
- Breaches of confidentiality.
- Misusing social media, email or letters for the purpose of personal and or financial gain.
- Bringing the Community Council into disrepute.

This is not an exhaustive list and may involve more than one.

What can't someone complain about?

There are some things Community Councils can't deal with. These include:

- Any decisions West Dunbartonshire Council has made
- A request for compensation on a decision the Community Council has made.

This is not an exhaustive list.

How does someone complain?

People can complain by email, in writing or in person to any of the members in your [Community Council](#).

It is easier for complaints to be resolved if someone makes them quickly and directly to the Community Council concerned. Please speak to a member of the Community Council so they can try to resolve any problems on the spot.

If a complaint is about more than one issue or someone feels that it is not appropriate for the Community Council to deal with the complaint, someone can contact the Officer identified to liaise with Community Councils, who will forward the complaint to the relevant Community Council on your behalf.

When complaining it would be helpful to have the following information:

- Full name and address, including an e-mail address if possible.
- As much detail as possible about the complaint.
- What has gone wrong
- How the complaint could be resolved.

How long does someone have to make a complaint?

A complaint should normally be made:

- Within six months of the event they want to complain about.

It is expected most complaints will be submitted immediately or within two to three months from the date of the incident.

In exceptional circumstances, a Community Council may be able to accept a complaint after the time limit. If someone feels that the six-month time limit should not apply to your complaint, please write to say why.

What happens when I have complained?

The complaint procedure provides two opportunities to resolve complaints:

- Stage one – Frontline Resolution
- Stage two – Investigation

Stage one – Frontline Resolution

Community councils should aim to resolve complaints quickly. This could mean an apology and explanation if something has clearly gone wrong. In such circumstances, steps will be taken to prevent such a problem re-occurring.

The Community Council will provide details of their decision at stage one within seven working days or less, unless there are exceptional circumstances. If they can't resolve your complaint at this stage, they will automatically move it to the second stage which is an investigation; if they do this, we will write to you within seven working days acknowledging your complaint.

Stage two – Investigation

Stage two deals with two types of complaint:

- those that have not been resolved at frontline resolution
- those that are complex and require detailed investigation from the outset

Stage two investigations may go to a Panel of Community Councillors, who have basic mediation and conflict resolution training.

The Community Council or Community Councillor may be suspended at this point until a full investigation has taken place. It should be noted that a suspension is not an accusation of guilt; it is to enable all parties to gather materials regarding the alleged breach in an impartial and fair manner.

When using stage two:

- The receipt of your request for complaint investigation will be acknowledged within 7 working days.
- If someone has had a response at frontline resolution and remains unhappy, a Community Councillor will discuss the complaint and what outcome someone is looking for.
- A full response to the complaint should be provided as soon as possible and within 30 working days.

What happens if someone is still unhappy?

If, after receiving the response at the Investigation Stage, you are still unhappy with the decision or the way the complaint has been handled; you can ask the Communities team for advice (see contact details at section 3).

The Community council forum may also have a role to play in resolving or discussing complaints which have arisen, particularly where more than one community council is affected.

Community councils may also seek independent legal advice if required.

Appendix Three: Contacts for Community Councils

WDC Contacts

Communities Team, Housing & Employability

Email: communitycouncils@west-dunbarton.gov.uk

Communities Team Leaders: Suzanne Mason / Colin Smith/ Soya Peddie

Communities Project workers: Alan Karas, Stephen Burns, Megyn Tyrell, Agnes Pollok, Chris Young – each Community council has an allocated worker.

WDC Service area

Communities Team - general

Communities Team - community councils

Housing - Allocations

Housing - Estate management

Housing - repairs

Housing - neighbour complaints

Roads WDC adopted

Lighting

Greenspace

Rubbish and recycling

Fly tipping

Libraires

Education

HSCP

Police

WDCVS

Contact email

yourcommunity@west-dunbarton.gov.uk

community.councils@west-dunbarton.gov.uk

allocations@west-dunbarton.gov.uk

estate.management@west-dunbarton.gov.uk
housing.repairs@west-dunbarton.gov.uk

online form

online form

wdc.greenspace@west-dunbarton.gov.uk
wasteaware@west-dunbarton.gov.uk

library.headquarters@west-dunbarton.gov.uk
education.centralregistry@west-dunbarton.gov.uk

ArgyllDunbartonshireCommunityCouncil@west-dunbarton.gov.uk
info@wdcvs.com

AssessmentNo	496	Owner	smason	
Resource	Regeneration, Environment and Growth		Service/Establishment	Housing and Employment
	First Name	Surname	Job title	
Head Officer	Suzanne	Mason	Communities Team Leader	
	(include job titles/organisation)			
Members	Mick Doyle,SCDC Paul Nelis, SCDC Nick Wright Ricardo Rea, WDC Performance and Strategy Officer			
	<i>(Please note: the word 'policy' is used as shorthand for strategy policy function or financial decision)</i>			
Policy Title	Review of Scheme for the Establishment (SOE) of Community councils			
	The aim, objective,purpose and intended out come of policy			
	To produce an updated Scheme to meet legislative requirement and reflect the input of community councils and citizens. Including associated documents and a Handbook for community councils to sit alongside the Scheme.			
	Service/Partners/Stakeholders/service users involved in the development and/or implementation of policy.			
	Stronger Voices group - comprising representatives from WD CC Forum, Community Alliance, Equalities Forum, Youth council, WDTRO Community councils Community organisations and citizens of West Dunbartonshire			
Does the proposals involve the procurement of any goods or services?			Yes	
If yes please confirm that you have contacted our procurement services to discuss your requirements.			No	
SCREENING				
<i>You must indicate if there is any relevance to the four areas</i>				
Duty to eliminate discrimination (E), advance equal opportunities (A) or foster good relations (F)			Yes	
Relevance to Human Rights (HR)			Yes	
Relevance to Health Impacts (H)			Yes	
Relevance to Social Economic Impacts (SE)			Yes	
Who will be affected by this policy?				
Established community council or possible future community councils, community organisations and residents in WD.				
Who will be/has been involved in the consultation process?				
There are 3 stages of consultation as laid out in legislation and guidance. The first phase focused on establishing the stronger voices groups and consulting with existing CCs and anchor organisation where there are no CCs, the second phase included wider consultation with sessions open to community groups and members of the public to join, as well as a session for elected members and meetings of the Stronger voices group. Each phase commenced with the publication of a public notice which was widely publicised. Discussions up to mid June 2021 demonstrated a positive direction in discussing equality and diversity and inclusion from participating Community Council members, and equality groups via the West Dunbartonshire Equality Forum, including equality proofing the new Scheme and documents and building shared understanding of the role of these groups across West Dunbartonshire. Discussions up to January 2022 at the stronger voices group between member so Community Council and the West Dumbarton Equality Forum have reflected a				

strong input from equalities groups around engaging with young people, seldom heard and diverse groups. This was further developed to finalise the Scheme and strengthen relationships between groups and the representativeness of community councils. The final discussions have largely been between community council and CC Forum representatives with other wider stakeholders not wishing to further participate at this stage.

Please outline any particular need/barriers which equality groups may have in relation to this policy list evidence you are using to support this and whether there is any negative impact on particular groups.

	Needs	Evidence	Impact
Age	There is much evidence around loneliness and isolation of older people, and some for younger people. Ensuring that intergenerational cohesion is supported is very important	Older people are heavily represented on the membership of Community Councils in WD, younger people are under represented in most put not Community Councils memberships.	The process will highlight the importance of considering representation from across age groups. It is acknowledge that substantial change might not be immediate.
Cross Cutting	Community Council are a listed Local Authority in terms Equality Act 2010, and therefore need to meet the three needs of the Public Sector Equality Duty, that is - Eliminating discrimination etc. - Advancing equality of opportunity - Fostering good relations Participation across all protected groups is an opportunity to build community cohesion	Specific consultation was carried out with members of the West Dunbartonshire Equality Forum. It was noted that strength of the groups was it brought different experiences and perspectives together Discussions at the Stronger Voices Group have made clear the importance of equality and good equalities practice	The proposed guidance highlights the needs of the equality duty. Equality groups identified coproduction and involvement in Equality impact Assessing proposals as key tools for community empowerment To help ensure positive impacts generally the approach to empowerment should strengthen these elements Capture the possible gains, the approach needs to move away from a 'business as usual' approach to one that acknowledges the considerable challenges of a realistic and sustained increase in empowerment
Disability	Evidence suggests disabled people are	West Dunbartonshire	The review of the SOE provides a

	more likely to be socially isolated, and less likely to be involved in community life than non disabled people.	access panel are keen to contribute to the SOE review and on moving towards co-production of key processes	positive opportunity for disabled people to influence the shape of the SOE, and potentially get involved more in the work of Community Councils.
Social & Economic Impact	It is important that when projects or considerations that may impact in this area are considered that they are evidence based and informed by the lived experience of those they may effect	WD is an area of high deprivation and child poverty. Those from more deprived communities currently have a weaker voice, and /or may be less well heard. this is likely to have been exacerbated by the Covid pandemic.	The review is linked to the Community empowerment strategy which has the potential to give communities greater input into decisions that will have an economic impact
Sex	Participation by age and sex varies greatly: older men are over presented as Councillors, older women in many voluntary organisations	Availability of childcare can be a barrier for participation, especially for women	The general approach should support increased participation by removing barriers created by the design of processes
Gender Reassign	Those under going or who have undergone gender reassignment can be particularly excluded social and in civil society, it is important that people have an opportunity to participate in things that might effect them	National evidence suggests that trans people are under represented in many processes	Ensuring that the new SOE has a clear message on equality and inclusion will be of general benefit. This should be of benefit to Trans people.
Health	Being able to participate and be included is important for people's and communities health and well being	Health outcomes in WD are generally poor, and many groups noted in this assessment can sufferer poorer health and well being on top of this. Health inequalities are therefore important considerations.	the review is linked to the community empowerment strategy which aims to build resilience and may help boost the mental health of some

Human Rights	ECHR, Article 8, with ref to participation Article 14 “right not to be subject to discrimination” is relevant here, as is the need to interpret all legislation through the lens of Human Rights, for Example the Community Empowerment Scotland Act 2015	West Dunbartonshire Equality Forum recognize the disconnectedness of fairness, equality and human rights. Honest and timely dialogue was recognised as a primary concern	Equality and Human Rights overlap greatly, in this case a better approach to empowerment will help reduce exclusion and discrimination, this approach should be made explicit
Marriage & Civil Partnership	The needs here can cross cut with sex and sexual orientation	No evidence of exclusion of this group, apart from where this might cross cut with sexual orientation	The impact is likely to be neutral compared to other groups
Pregnancy & Maternity	The needs here can cross cut with sex	No evidence of exclusion of this group, apart from where this might cross cut with sex	The impact is likely to be neutral compared to other groups
Race	Fostering good relations is in practice an often neglected element of the public sector equality duty. The strategy provides an opportunity to forward the duty in the WD area.	Evidence from Scottish Social Attitudes surveys and other sources suggests that people who have contact with people from other groups are less likely to hold negative views on other groups.	The approach is likely to increase opportunities for intercultural contact, this will have potential positive benefits for good relation
Religion and Belief	Please see comments above at 'race'	National evidence suggests that some religions and beliefs may be people are under represented in many processes, these tend to cross cut with ethnicity	The impact is likely to be neutral compared to other groups, apart from where this might cross cut with ethnicity
Sexual Orientation	National evidence suggests that LGB people are under represented in many processes	There was no particular local evidence on LGB and empowerment, but nothing to suggest that the picture in WD was any different from that nationally	The general approach should support increased participation by removing barriers created by the design of processes

Actions
Policy has a negative impact on an equality group, but is still to be implemented, please provide justification for this.
No negative effects likely on any protected group, or in terms of health, socio-economic impact or human rights
Will the impact of the policy be monitored and reported on an ongoing basis?
A clear strand of this is close working with communities and community organisations/ key stakeholders, including co - production of some aspects. The review is linked to the Community Empowerment Strategy and Delivery plan. Progress has been reported to Special council meetings in line with the requirement of legislation and guidance. A stronger voices group was set up to co-produce the final scheme and Handbook and to provide a link with the Community Empowerment strategy delivery and the redevelopment of the Community Alliance to lead on the community lead for the empowerment agenda. the delivery plan will be monitored via the DIGs and Community Empowerment project board. Following suggestions from the group the links between community councils, Community Council Forum and the Equalities forum and equalities groups will hopefully be strengthened and this has been included in the scheme and will be monitored as the Scheme is implemented and during the life of the Scheme.
Q7 What is your recommendation for this policy?
Introduce
Please provide a meaningful summary of how you have reached the recommendation
The process has provided an opportunity to 'Equality Proof' the Scheme, increase diversity of membership of Community councils, to improve communication and understanding between community councils and equalities groups, and their representative role within communities and to support mainstreaming of equalities in the work of Community Councils. It is also provided an opportunity to strengthen links between the Equalities Forum, community councils, equalities groups and the Community Council Forum. During the consultation there has been consistent positive feedback on the process and in embedding equality considerations and has been built upon as the consultation progressed and can be further developed. West Dunbartonshire Equality Forum members have agreed to work more closely with Community Councils in driving forward greater diversity and inclusion and best equalities practice.