

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

REVISED VERSION
FOR PRESENTATION TO WEST DUNBARTONSHIRE COUNCIL
AT SPECIAL COUNCIL MEETING 23 FEBRUARY 2022,
FOR APPROVAL FOR PUBLIC CONSULTATION

Appendix

**Code of Conduct for
Community Councillors**

February 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 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 Councils Handbook.

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Appendix

**Model Constitution for
Community Councils**

February 2022

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 by two examiners (as explained in the Community Councils 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

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**Model Standing Orders for
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February 2022

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.