

The City of Edinburgh Council

10.00am, Thursday, 14 March 2013

Review of Scheme for Community Councils

Item number	8.4
Report number	
Wards	All

Links

Coalition pledges	P33
Council outcomes	CO23, CO24
Single Outcome Agreement	SO4

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Executive summary

Review of Scheme for Community Councils

Summary

The report advises on the outcome of the first statutory consultation period of the Review of the Scheme for Community Councils and seeks approval for a number of recommendations to change the Scheme. Community Councils (CCs) are broadly in favour of the draft Scheme and in particular the added emphasis on CCs being able to demonstrate they are fulfilling their core duty of reflecting the views of the wider community. If the recommendations outlined below are endorsed by Council, the legislation requires that a further notice is given for a second statutory consultation period. The outcome of this consultation will be reported to Council on 27 June 2013.

Recommendations

To recommend that the City of Edinburgh Council:

- 1) Approves the changes outlined in sections 2.7 -2.11 of the report.
- 2) Approves the procedure outlined in paragraph 2.12 for amending small scale CC boundaries.
- 3) Approves the change in membership numbers for Portobello Community Council outlined in section 2.13 of the report.
- 4) Approves the revised draft Scheme in [Appendix 1](#) for a second period of statutory consultation from 18 March to 6 May 2013.

Measures of success

The next opportunity for CCI elections is October 2013 and there is scope prior to these elections to establish a Scheme which provides a modernised framework for CCs to operate with clear and improved guidance. This can be measured by having a revised CC Scheme approved where the Council can demonstrate an active commitment to consultation.

Financial impact

The cost of implementing the change to the formula for calculating the CC grant is £2,831 and can be contained within the departmental budget.

Equalities impact

The Review of the Scheme for CCs will promote and enhance the Council's ability to meet its General and Public Duties under equalities legislation. The Equalities and Rights Impact Assessment will be revised throughout the process of the Review and recommendations made where required to ensure there are no infringements of rights or impacts on duties under the Act.

Sustainability impact

There are no adverse environmental implications arising from this report.

Consultation and engagement

The first statutory consultation period ran from 17 December 2012 to 11 February 2013 as approved by Council on 13 December 2012. A statutory notice was published in the local press at the start of the consultation period. The draft Scheme was placed for comment on the Neighbourhood Partnership and Council's website, in libraries and local neighbourhood offices and advertised through social media and plasma screens in Council premises. Information about the Review of the Scheme was sent to Neighbourhood Partnerships, Children and Families and the Community Health Partnership for distribution through their networks, bulletins and communication channels. Comments were also invited from the Edinburgh Association of Community Councils and individual CCs.

Background reading / external references

[Scottish Government Community Council Short Life Working Group Final Report and Recommendations](#)

Review of Community Council Scheme

1. Background

- 1.1 Community councils (CCs) were first established in Scotland following the Local Government (Scotland) Act 1973. Under the Act each Local Authority is required to produce a Scheme for CCs which provides a framework for their creation and operation.
- 1.2 The current [Scheme for Community Councils](#) was approved by the City of Edinburgh Council in 2009. During the intervening period, a number of areas have been identified where the current Scheme does not provide sufficient clarity or guidance and will be addressed as part of the formal review process.
- 1.3 Following a preliminary period of consultation, a draft Scheme was produced which took account of comments from CCs, the Edinburgh Association of Community Councils (EACC), Council Officers and good practice from the National Model Scheme.
- 1.4 At a Special Meeting on 13 December 2012, the Council approved the arrangements for the first period of statutory consultation of the Review of the Scheme for CCs.

2. Main report

- 2.1 At the conclusion of the statutory consultation period, submissions were received from 7 CCs, 6 individual members of CCs, 1 Residents Association, 3 members of the public, 1 business owner in Portobello and 19 residents from Portobello.
- 2.2 Respondents were generally supportive of the proposed Scheme and in particular the added emphasis on CCs being able to demonstrate evidence of their engagement with the community. There was general agreement that the role of nominated members and their criteria for appointment should be clarified and support for a mechanism to enforce the Code of Conduct.
- 2.3 Nineteen responses were received from residents in Portobello. A high proportion of these respondents highlighted the need to ensure that the CC represents the views of the wider community and not just the views of its members. They indicated that this could be achieved by adopting a proactive approach to obtaining residents' views using a variety of engagement techniques including social media, websites and on-line surveys. While social

media was generally perceived to be a positive tool which helps to enable wider engagement and interaction, it was also noted that it can exclude certain sections of the community and there are other risks associated with its use.

- 2.4 Two CCs and several CC members referred to the amount of work that is involved in consulting and reflecting the views of the community. They indicated that it can be difficult for a CC to respond to a large number of consultations, often within a short timescale, given that members are volunteers working with limited resources.
- 2.5 Findings have been analysed and proposed changes are outlined below. A revised draft Scheme is attached as [Appendix 1](#). Proposed changes are highlighted in bold, shaded print.
- 2.6 Findings also reveal that a few areas of the Scheme require further clarification and rewording. These comments have been taken into account when drafting the revised draft Scheme.
- 2.7 Role of nominated members and criteria for appointment: The current Scheme makes provision for nominated members. A nominated member is a member of a local interest group that operates in the CC area. While CCs are generally supportive of retaining nominated members on CCs with equal voting rights, concerns have been identified around the role of nominated members and criteria for appointment. A section explaining the role of a nominated member has also been added to the revised draft Scheme. The definition of a voluntary organisation provided by Edinburgh Voluntary Organisations Council (EVOC) has been included to give further clarity.
- 2.8 Local Interest Groups are required to register with the Council. The criteria for appointment outlined in the Registration and Nomination Form requires that registration must be from a properly constituted group with a publicly available constitution. This requirement can be a barrier to groups that do not have a constitution. In such circumstances support and advice will be offered to groups to help them with the process of setting out constitutional arrangements.
- 2.9 Enforcement of the Code of Conduct: This is a National issue which is being considered by the Scottish Government Short Life Working Group on CCs. The Working Group has produced a [final report](#) which includes the recommendation that the need for an enforceable Model Code of Conduct for Community Councillors, with an independent and simple enforcement and appeals mechanism is further explored. It is proposed to follow national guidance on this issue and produce a guidance note which will provide a clear procedure on dealing with disputes and breaches of the Code of Conduct. Greater emphasis will also be given to the Code of Conduct as part of CC induction training.
- 2.10 Special meetings: The procedure for organising special meetings is contained within the CC Constitution ([Appendix 2](#)) and Standing Orders ([Appendix 3](#)). The wording in these two documents has been made consistent to avoid ambiguity.

The timescale for organising special meetings has been extended by one week to allow for public holidays and other circumstances out with the CC's control which could prevent these timescales being achieved.

- 2.11 CC grant: The Review of the Scheme presents an opportunity to consider and improve current practice. The community council grant is based on a standard lump sum payment plus an additional per capita contribution related to the electorate of the area. It is proposed that, as the general purpose of a community council is to represent the whole community, it would be more appropriate to base the per capita contribution on population figures for the local area rather than the electorate. This would result in a small increase in grant for each community council which can be contained within the departmental budget.
- 2.12 CC boundaries: No objections have been received to the proposal to amend the boundary between West End and Murrayfield CCs and it is therefore proposed that this boundary will take effect from the date of the CC elections in October 2013. Three further enquiries have been received to amend CC boundaries in the Trinity, Silverknowes and Gilmerton areas and a request to change a CC name. The current system for amending CC boundaries requires consultation and agreement with other adjacent CCs and the approval of the Council. As the process in relation to these boundaries has not been completed, no further recommendations are proposed at this time. However, in order to improve flexibility and, respond to local need, it is proposed to include a clause in the Scheme which will enable small scale CC boundary changes and name changes to be approved at an appropriate Council Committee. Such requests should be made in writing to the Director of Services for Communities.
- 2.13 CC membership: One of the issues raised by the majority of residents responding from Portobello was the uneven balance of membership on Portobello Community Council. The balance of membership on a CC is normally twice as many elected members as nominated members. Portobello Community Council has 15 elected and 15 nominated members. The number of members on a CC is based on population figures although exceptions have been allowed in the past to take account of local circumstances. Portobello Community Council covers a population of 11,737 which is an average size for a CC in Edinburgh. CCs with a similar population would normally consist of 14 elected and 7 nominated members. It was noted that having provision for 15 nominated groups can increase diversity and representation. However in order to allow a fairer balance of representation in line with other CCs it is proposed to amend the balance of membership on Portobello Community Council to 14 elected and 7 nominated members.

3. Recommendations

- 3.1 To recommend that the City of Edinburgh Council:
- 1) Approves the changes outlined in sections 2.7 -2.11 of the report.
 - 2) Approves the procedure outlined in paragraph 2.12 for amending small scale CC boundaries.
 - 3) Approves the change in membership numbers for Portobello Community Council outlined in section 2.13 of the report.
 - 4) Approves the revised draft Scheme in [Appendix 1](#) for a second period of statutory consultation from 18 March to 6 May 2013.

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Director of Services for Communities

Links

Coalition pledges	P33 – Strengthen Neighbourhood Partnerships and further involve local people in decisions on how Council resources are used
Council outcomes	CO23 – Well engaged and well informed – Communities and individuals are empowered and supported to improve local outcomes and foster a sense of community CO24 – The Council communicates effectively internally and externally and has an excellent reputation for customer care
Single Outcome Agreement	SO4 – Edinburgh’s communities are safer and have improved physical and social fabric
Appendices	Appendix 1 – Draft CC Scheme, Constitution and Standing Orders

THE CITY OF EDINBURGH COUNCIL
DRAFT SCHEME FOR COMMUNITY COUNCILS

1. Introduction

Community councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, which produced the current system of unitary local authorities, also made provision under Section 22 for the continuation of community councils. This legislation provides the legal framework for community councils.

2. Statutory Purposes

The statutory purposes of the community councils established under this Scheme are set out in Section 51 (2) of the Local Government (Scotland) Act 1973, as follows: -

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

3. The Role and Responsibilities of Community Councils

The general purpose of community councils is to act as a voice for their local area. This will involve them articulating the views and concerns of local people in their area on a wide range of issues of public concern and make representations to the City of Edinburgh Council, other public sector bodies and private agencies on matters within their sphere of interest.

Community councils have a statutory right to be consulted on planning applications. They are competent objectors to all licence applications lodged with the Council in terms of the Civic Government (Scotland) Act 1982, which includes applications for House in Multiple Occupation licences.

Community councils are the key community representative bodies within the local community planning arrangements across the city of Edinburgh. Community councils have representation on each of the 12 Neighbourhood Partnerships and have responsibility for the decisions of the Neighbourhood Partnerships covering the community council area they represent.

Community councils should engage widely with their local communities to represent their views on the Neighbourhood Partnerships. It is essential that these views are demonstrated to be representative of the community and, accordingly, the community council will have in place recognised consultative mechanisms to validate their views; and devise strategies to secure greater involvement by all sectors of the community.

Community councils should be able to demonstrate how they are fulfilling their responsibilities as representative bodies by provision of an annual report and other forms of engagement such as newsletters, surveys, websites and use of social media.

Community councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objectives of their constitution.

Overall, community councils should engage with and establish positive working relationships with the City of Edinburgh Council and other agencies. In carrying out their activities community councils must at all times adhere to the law and the Community Councillors' Code of Conduct.

Community councils have a duty under statute to represent the views of their local community. It is vital therefore, that they reflect the broad spectrum of opinion and interests of all sections of the community. In order to fulfil their responsibilities as effective and representative, community councils shall:-

- Inform the community of the work and decisions of the community council by posting agendas and minutes of meetings in public places, such as libraries and notice boards; and subject to provisions contained within the Data Protection Act 1998, provide contact details of community council members.
- Agendas and whenever possible draft minutes of community councils' meetings should be circulated at least seven days before the date of the meeting to enable their circulation to the local authority, relevant elected members, council staff and other parties.
- Seek to broaden both representation and expertise by enlisting associate members onto the community council for specific projects/issues.
- Make particular efforts to encourage young people and other under-represented groups to attend/participate in community council meetings and activities to ensure equality of opportunity in the way the community council carries out its functions.
- Maintain proper financial records and present financial reports at community council meetings.
- Liaise closely with the City of Edinburgh Council on any change in membership (eg resignations, co-option) and circumstances.

A community council shall be non-party political in all its activities.

4. Community Council Areas

Edinburgh is divided up into 46 community council areas and community councils may be established to serve and represent these areas identified in Schedule 1 to this Scheme.

5. Membership of Community Councils

Elected and Nominated Representatives

The maximum number of elected and nominated representatives for each community council is specified in Schedule 1 to this Scheme.

The minimum age to stand for election as a community councillor is 16 years. Qualification for elected membership is by residency within the specific community council area. Elected representatives must also be named on the electoral register for the community council area in which they reside. Nominated representatives need not

appear on the electoral register for the community council provided that they remain voluntary, active members of the nominating group. Some young people under the age of 16 ³/₄ may not appear on the electoral register so registering can be confirmed by other means such as school registration.

Ex Officio Representatives

Local Authority Councillors, MPs, MSPs and MEPs whose wards fall wholly or partly within the geographical area of the community council area shall be ex-officio members of the community council.

Ex-officio representatives shall not be eligible to be elected or nominated representatives and shall have no entitlement to vote, move motions or amendments or hold office.

Associate Representatives

Associate representatives may be appointed by a community council where there may be a need for individuals with particular skills or knowledge. Associate representatives have no entitlement to vote, move motions or amendments or hold office. They may serve for a fixed period as determined by the community council or for the term of the community council which has appointed them. Associate representatives may include for example someone with expertise in IT, communication or environmental issues.

6. Community Council Elections

Eligibility of Elected Members

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 will 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 and subject to the provisions in Clause 5 above are also entitled to both stand for the community council and vote in any election.

Any **elected** community council member who no longer resides within the community council area will have their membership terminated from that community council from the date their residency ceases.

Any individual who is elected to serve on the City of Edinburgh Council, or the Scottish, UK or European parliament shall be ineligible to stand for election to a community council.

Nominations and Elections

The first election for representatives of a community council shall be held in the event of not less than 20 local electors submitting a written request to the City of Edinburgh Council for the establishment of a community council.

The second and subsequent elections shall be held on a three-yearly-cycle, in the months of September and October on dates to be determined by the City of Edinburgh Council. However the City of Edinburgh Council may defer the second election year until the next election cycle in the case of a community council established within 18 months of the next triennial elections for all community councils.

All elections will be administered by the City of Edinburgh Council.

Returning Officer

The City of Edinburgh Council will approve an independent Returning Officer for community council elections. The independent Returning Officer must not be a current elected or nominated member of the community council and once appointed shall be ineligible to stand for election to the community council.

Nominations for Elected Representatives

Individuals seeking election to a community council should be nominated by a proposer and seconder, both of whom must be on the electoral register for the community council area. Each elector may propose one nominee and second one nominee. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.

A nomination form should be completed and submitted on the date set down in the election timetable. No forms submitted after that date will be accepted.

Election Process

At the end of the nomination period:

1. If the number of candidates is more than HALF but less than the maximum permitted **elected** membership as specified for the community council area in Schedule 1 of this scheme, the candidates will be declared elected and no ballot will be held.
2. If the number of candidates exceeds the number of available places a ballot will take place. At the ballot, each voter shall be entitled to vote for candidates up to the number of vacancies for elected members on the community council, but cast no more than one vote for each candidate. For example if there are 26 candidates and 18 vacancies for elected members each voter can vote for up to 18 candidates but cast only one vote for each candidate.
3. If the number of candidates elected, is below **HALF** of the total maximum permitted membership, as specified for the community council area, no community council will be established at that time. However, this does not prevent a further request from 20 electors to the City of Edinburgh Council to make arrangements for the establishment of a community council under the terms of Section 52 (7) of the Local Government (Scotland) Act 1973.

Method of Election

Elections shall be conducted by secret ballot of local electors, organised by the Returning Officer approved by the City of Edinburgh Council in accordance with the Scottish Local Election Rules but subject to modification and simplification as deemed necessary by the City of Edinburgh Council.

Eligibility, Appointment and Role of Nominated Representatives

Nominated representatives may be appointed by local interest groups registered with the City of Edinburgh Council.

The organisation must be a voluntary group whose governing body has a majority of unpaid (volunteer) members, which does not distribute profit among its members, and which provides services for public benefit not restricted to its members.

The first appointments shall be made at a joint meeting of the interest groups organised by the Returning Officer in accordance with the procedures set out in Schedule 2 to this Scheme.

Nominated representatives shall cease to be members of the community council if they cease to be a member of the nominating interest group.

Nominated representatives are appointed to represent the interests of their group on the community council and to reflect the views of the community through the community council. If a community council member has any private and/or personal interests in a matter for the community council, they have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

On issues where there is a conflict or vested interest members have a duty to disclose and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

Filling of casual places/vacancies for elected members between elections

Casual vacancies on a community council may arise in the following circumstances:

- Death of an elected community council member;
- When an elected community council member submits her/his resignation;
- When an elected community council member ceases to be resident within the community council area;
- When an elected community council member has her/his membership disqualified;
- Unreasonable non-attendance by an elected community council member at meetings for a period of six months.

If vacancies arise on a community council between elections, it will be at the discretion of the community council whether to fill the vacancy. Filling a vacancy can be undertaken either through the process of co-option or depending on circumstances, by an interim election. However, should circumstances arise that leads to the number of elected community council members to fall below **HALF** of the maximum permitted elected membership, the City of Edinburgh Council shall be informed and shall make arrangements for an interim election to be held.

Guidance on the procedure for the filling of casual vacancies is contained within the model constitution.

Co-opting members through the casual vacancy process

Members who are co-opted through the casual vacancy process must be eligible for membership of the community council as detailed in Section 5 of the Community Council Scheme. They must be elected onto the community council by a two-thirds majority of the elected and nominated community council members present. Such co-opted members shall have full voting rights, with the exception of voting on co-option of new members, and will serve until the next round of elections.

The number of co-opted members may not exceed a **THIRD** of the maximum permitted elected community council membership.

Constitution

Newly established community councils shall be supplied with a Model Constitution by the Council, for adoption at their inaugural meeting.

7. Equality & Diversity

Community councils must ensure that in all their activities they seek to eliminate discrimination and promote equality of opportunity and good relations between all people within their community in accordance with the guidance provided to community councils.

8. Disqualification of Membership

Disqualification of membership is automatic under the following circumstances:

- Relocation which renders invalid the residency qualification for membership;
- Failure to attend any community council meeting, with or without submitting apologies, throughout a period of 6 months.

If absence is due to ill health or any other reasonable circumstance eg planned holidays, work shift patterns etc, an approved leave of absence not exceeding 6 months for community council members may be approved at the discretion of the community council.

Registered interest groups **shall** ensure that their nominated representatives conform to the clause above.

Community council members shall comply with the Code of Conduct as attached as Schedule 3 to this Scheme. Community council members who fail to comply with the Code of Conduct may be suspended or dismissed from the position of community council member by action of the community council or by action of the City Council.

9. Meetings

The first meeting of a community council following the election and upon establishment of a community council, will be called by the Returning Officer or by a Deputy Returning Officer approved by the City of Edinburgh Council. The meeting will take place within 21 days of that date, or as soon as practicable thereafter. The frequency of meetings will be determined by each community council, subject to a minimum of one annual general meeting and 6 ordinary meetings being held each year. The annual meeting shall be held in the month of May or June with the exception of an election year when the AGM **may** be deferred until the first meeting of the community council following the nomination and election period.

The quorum for community council meetings shall be at least one third of the current voting membership of a community council, or 3 voting members, whichever is the greater.

An outline of the conduct of business that community councils should adhere to when holding ordinary, special and annual general meetings is contained within the Constitution and Model Standing Orders.

10. Liaison with the City of Edinburgh Council

In order to help facilitate the effective functioning of community councils, the City of Edinburgh Council has identified an officer to act as a Liaison Officer with community councils.

Community councils may make representations to the City of Edinburgh Council and other public and private agencies, on matters for which it is responsible and which it considers to be of local interest. Representations should be made, in the case of statutory objections, such as planning or licensing matters, to the appropriate City of Edinburgh Council officer. On issues where a department is consulting with community councils, representations should be made to the appropriate departmental officer.

Community councils shall provide copies of their agendas and minutes to the Council via the City of Edinburgh Council's named liaison officer.

The City of Edinburgh Council and community councils shall seek actively to keep each other well informed on matters of mutual interest.

11. Resourcing a Community Council

The City of Edinburgh Council shall provide an administrative grant to community councils to assist with the operating costs of the community council. The grant is based on a standard lump sum payment plus an additional per capita contribution related to the **population** for that area. Community councils are discouraged from accumulating a surplus at the end of the financial year amounting to twice the amount of annual grant from the City of Edinburgh Council, unless such surpluses are dedicated to specific projects designed to elicit community opinion on local issues or otherwise support community needs.

Each community council, at its Annual General Meeting, shall appoint a suitably qualified person to audit the community council's accounts. (This should be someone who is independent from the community council with a financial background, though not necessarily a qualified accountant).

The financial year of community councils shall be the same as that of the City of Edinburgh Council (ie 1 April to 31 March) and the audited accounts of the community council shall be submitted for approval to the Annual General Meeting.

Each community council shall establish a bank account and shall submit its audited accounts to the City of Edinburgh Council by the 1st November each year in respect of the previous financial year and no grant may be paid by the City of Edinburgh Council until that community council has submitted its annual accounts.

The annual accounts of each community council shall be independently examined by at least one examiner appointed by the community council, but who is not a member of the community council. A copy of the independently examined statement of accounts/balance sheet shall be forwarded as soon as the statement is approved, to a named officer of the City of Edinburgh Council who may, at their discretion and in consultation with the Council's Chief Financial Officer, request the community council to produce such records, vouchers and account books as may be required.

Each community council shall have the power to raise its own financial resources for schemes, projects and all other purposes consistent with its functions.

Each community council shall be eligible to apply for grants for suitable projects through the City of Edinburgh Council's grant system.

The City of Edinburgh Council shall determine any additional support services/resourcing, such as: photocopying and distribution of community council minutes and agendas; and free lets of halls for community council meetings, to suit local requirements.

The City of Edinburgh Council's Liaison Officer shall facilitate advice and assistance to community councils and arrange for the establishment of a training programme for community councils on: the duties and responsibilities of community council office bearers; the role of community councils; the functions of the City of Edinburgh Council; and other relevant topics.

12. Code of Conduct

The Code of Conduct in Schedule 3 sets out the standards and principles of conduct that community councils are required to adhere to in performance of their duties.

13. Community Council Boundaries

Any request to change the boundaries and names of community councils must be made in writing to the Director of Services for Communities who will arrange for the request to be submitted to the appropriate City of Edinburgh Council Committee.

14. Dissolution of a Community Council

The terms for dissolution of a community council are contained within the Model Constitution.

If a community council fails 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 **fails** to address the situation, the City of Edinburgh Council may take action to dissolve that community council.

THE CITY OF EDINBURGH COUNCIL - COMMUNITY COUNCILS

	Name of Council	Total Members	Elected Members	Nominated Members
1	Balerno	18	12	6
2	Colinton	18	12	6
3	Corstorphine	24	16	8
4	Craigtinny/Meadowbank	21	14	7
5	Craigleith/Blackhall	18	12	6
6	Craiglockhart	15	10	5
7	Craigmillar	24	16	8
8	Cramond & Barnton	22	15	7
9	Currie	15	10	5
10	Drum Brae	21	14	7
11	Drylaw/Telford	15	10	5
12	Fairmilehead	15	10	5
13	Firrhill	18	12	6
14	Gilmerton/Inch	24	16	8
15	Gorgie/Dalry	21	14	7
16	Grange/Prestonfield	24	16	8
17	Granton & District	18	12	6
18	Leith Harbour & Newhaven	18	12	6
19	Hutchison/Chesser	15	10	5
20	Juniper Green	15	10	5
21	Kirkliston	15	10	5
22	Leith Central	24	16	8
23	Leith Links	18	12	6
24	Liberton & District	18	12	6
25	Longstone	21	14	7
26	Marchmont and Sciennes	21	14	7
27	Merchiston	24	16	8
28	Morningside	21	14	7
29	Muirhouse/Salvesen	18	12	6
30	Murrayfield	18	12	6
31	New Town/Broughton	24	16	8
32	Northfield/Willowbrae	21	14	7
33	Old Town	18	12	6
34	Portobello	21	14	7
35	Queensferry and District	15	9	6
36	Ratho and District	15	10	5
37	Sighthill, Broomhouse and Parkhead	22	15	7
38	Silverknowes	15	10	5
39	Southside	18	12	6
40	Stenhouse, Saughton Mains & Whitson	18	12	6
41	Stockbridge/Inverleith	21	14	7
42	Tollcross	18	12	6
43	Trinity	18	12	6
44	West End	15	10	5
45	West Pilton/West Granton	18	12	6
46	Wester Hailes	18	12	6

THE CITY OF EDINBURGH COUNCIL

COMMUNITY COUNCILS

PROCEDURE FOR THE APPOINTMENT OF COMMUNITY COUNCIL NOMINATED MEMBERS

1. The maximum number of nominated members for each community council is listed in Schedule 1.
2. Local interest groups must first apply to be registered with the City of Edinburgh Council on the approved forms which will be available from the Community Council Liaison Officer.

Registration for community council purposes will be accepted from any voluntary, local interest group provided that it is a constituted group, representative of that community and complies with the criteria issued to local interest groups.

The City of Edinburgh Council will determine the eligibility of the groups seeking registration. Where registration is refused, reasons will be provided.

Where a group seeks to be registered for more than one community council area because their local interest extends into those areas, then they may apply to be registered as local interest groups in each area. This application will be considered by the City of Edinburgh Council.

3. Local interest groups may register with the City of Edinburgh Council at any time of the year, but before an election they must reapply to be registered and approved groups as at (4) below.
4. After the Notice of Election has been published only those applications from local interest groups registered by the closing date for delivery of nomination papers for elected members, and subsequently approved by the City of Edinburgh Council, will be accepted.
5. Should the number of nominations exceed the number of places for nominated members on the community council, then a joint meeting for the appointment of nominated members will be held.
6. The date, time and place of the meeting of registered local interest groups will be fixed by the Returning Officer.
7. The Chair of the Joint Meeting will be the Returning Officer duly appointed by the City of Edinburgh Council
8. Each registered local interest group will be entitled to send one voluntary representative to the Joint Meeting.
9. Each registered local interest group will be entitled to nominate one person for election as a nominated representative for the community council. This person must be a named individual. No political party or sectarian affiliations may appear on the nomination paper or on the voting paper.

The representatives of the local interest groups and the elected members of the community council will vote, by ballot, voting up to the number of places to be filled; e.g. 12 nominations for 7 places - each representative may vote for 7 persons out of 12 nominations, with only one vote for each individual.

10. Should the number of registered local interest groups be less than the maximum number of places for nominated members then the Community council can subsequently approve further eligible groups, registered and approved by the City of Edinburgh Council until the full quota has been achieved.
11. The named representatives from local interest groups subsequently elected will become full members of the community council, with entitlement to hold office and vote in business and constitutional matters.

Any casual substitution of a named representative by another representative from the local interest group will not have entitlement to hold office and vote on community council business and will have an observer status.

Any request for permanent substitution by the local interest group should be made in writing to the community council with details of the named individual who is to become the new group representative. Such members will have entitlement to vote and hold office.

The City of Edinburgh Council

Code of Conduct for Community Councillors

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for City of Edinburgh Council councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community councillors, as representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all community councillors and those representing the community council.

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 community council Scheme as set out by the City of Edinburgh Council under the terms of the Local Government (Scotland) Act 1973.

You should establish and reflect, through the community council, the views of the community as a whole, on any issue, irrespective of personal opinion.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. websites, suggestion boxes, community surveys, opinion polls, should, where possible, be made available.

Selflessness

You should take 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.

Honesty & Integrity

You have a duty to act honestly. If you have any private and/or personal interests in a matter for the community council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You 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.

Gifts and Hospitality

You should not accept gifts or hospitality that may be seen to influence, or be intended to or be perceived as influencing your opinion or judgement. The offer and/or receipt of

any gifts above £10 should always be reported to and noted by the secretary of the community council.

Objectivity

In carrying out public business, including award of grants or decisions regarding planning applications you should make decisions on merit and on the basis of information which is publicly known.

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

Appointments to other bodies

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.

Accountability

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. Any expenses, allowances, or facilities provided for use in your duties as a community councillor must be used strictly for those duties and no other purpose.

Community councillors will individually and collectively ensure that the business of the community council is conducted according to the relevant Scheme of Establishment of Community Councils and this Code of Conduct.

Any breach of the Community Council Scheme as set out by the City of Edinburgh Council under the terms of the Local Government (Scotland) Act 1973 may be reported to the City of Edinburgh Council to determine what action, if necessary, should be taken.

Openness

You have a duty to ensure that your decisions, actions and representations reflect the wishes and views of the community you represent. You should be open and able to justify your decisions, actions and representations when acting as a member of a community council.

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

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.

Respect and General Conduct

Community council members should behave openly and honestly, treating one another in a positive, respectful and non-discriminatory manner. Similarly, you should treat ex officio community council members, staff from City of Edinburgh Council and other agencies as well as members of the community with respect.

Recognition should be given to the contribution of everyone participating in the work of the community council. Equality of opportunity should be given to every participant to have their knowledge, opinions, skills and experience, taken into account with all barriers to participation removed.

Community councillors should ensure that confidential material, including details about individuals, is handled with dignity and discretion and is not used for personal or malicious purposes.

Individually, community councillors should be supportive of the office bearers on the community council and refrain from trying to undermine their confidence or authority. It is unacceptable for community councillors to make personal remarks, make personal attacks or otherwise humiliate the other members either at meetings or in other settings such as internet forums and **social media**.

You should not act in such a way as to bring yourself or the community council into disrepute through your actions, discussion or communications.

Conclusion

The practical application of these rules is a matter for your judgement but, if in any doubt as to how they should be applied, you should seek advice from the Chairperson or other office bearer of the community council or from an officer of the City of Edinburgh Council.

MODEL CONSTITUTION FOR COMMUNITY COUNCILS

1. Name

The name of the COMMUNITY COUNCIL shall be (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 a 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 the discharge of their functions and the conduct of their business, the COMMUNITY COUNCIL and its membership shall have regard to their role and responsibilities as set out in paragraph 3 of the Scheme for Community Councils, approved by the local authority; and the Community Councils’ Code of Conduct.

5. Membership

The COMMUNITY COUNCIL’S membership is as governed by paragraph 5 of the Scheme; and as determined from time to time by the City Council.

6. Method of Election

Election procedures shall be governed by the method of election laid down in section 6 of the Scheme.

7. Casual Vacancies on the Community Council

Where, a vacancy arises which does not result in the number of COMMUNITY COUNCIL members falling below the minimum number as specified in paragraph 5 of the Scheme, the COMMUNITY COUNCIL may, if it considers it to be desirable, agree to:-

- (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. Such interim elections will be administered with guidance from the local authority.
- (b) the filling of a vacancy by co-option with voting rights to a maximum of one third of the total membership of the community council as governed by paragraph 6 of the Scheme.

Co-opted representatives may be appointed by the passing of a motion to that effect at a community council meeting, proposed and seconded by other elected and nominated members of the community council.

- (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

The right to vote at any meeting of the COMMUNITY COUNCIL or any committee thereof, shall be held by all COMMUNITY COUNCIL members whether elected, nominated or co-opted, except those associate members co-opted for specific issues on a temporary basis, *or ex-officio members*. With the exception of circumstances which may arise under the **Scheme for Community Councils: Clause 6 – Community Council Elections [Co-option]**; and **Constitution: Clause 16 – Alterations to the Constitution and Clause 17 – Dissolution**, all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those eligible to vote and present and voting.

In the event of a vote of the community councillors that results in a majority not being achieved, the chairperson shall have a casting vote.

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 May in the year when elections are not held, the COMMUNITY COUNCIL shall appoint a Chair, Secretary, Treasurer and such other 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, a member shall hold no more than two of the following offices at any one time: Chairperson,

Secretary or Treasurer and shall not hold office in more than one community council.

Community councils may appoint employees from time to time provided that no member of a community council shall hold any paid office.

Community councils may reimburse office bearers, other members and employees for any reasonable expenses incurred in the performance of their duties.

10. Committees of the Community Council

The COMMUNITY COUNCIL may appoint representatives to committees of the COMMUNITY COUNCIL; and shall determine their composition, terms of reference, duration, duties and powers.

11. Meetings of the Community Council

- (a) The quorum for COMMUNITY COUNCIL meetings shall be at least one third of the current eligible voting membership, or 3 eligible voting members, whichever is the greater.
- (b) Once in each year in the month of May the COMMUNITY COUNCIL shall convene an annual general meeting for the purpose of receiving and considering the annual report of the COMMUNITY COUNCIL, the appointment of office bearers, and the submission of the independently examined annual statement of accounts.
- (c) Including the annual general meeting, the COMMUNITY COUNCIL shall meet not less than 7 times throughout the year.
- (d) Dates, times and venues of regular 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. Special meetings shall require at least 10 days public notice, either called by the Chairperson, or on the request of not less than one-half of the total number of COMMUNITY COUNCIL members. An officer of the local authority has the discretion to call a meeting of the COMMUNITY COUNCIL.
- (e) Copies of all minutes of meetings of the COMMUNITY COUNCIL and of committees thereof shall be approved at the next prescribed meeting of the COMMUNITY COUNCIL, but the draft minute shall be circulated within 7 days before that meeting, to COMMUNITY COUNCIL members and the local authority's liaison officer for COMMUNITY COUNCILS.
- (f) The COMMUNITY COUNCIL shall abide by its standing orders for the proper conduct of its meetings.
- (g) The COMMUNITY COUNCIL has a duty to be responsive to the community it represents. Should the COMMUNITY COUNCIL receive a common written request (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, it shall **hold** such a meeting, within **21** days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the COMMUNITY COUNCIL.

- (h) The COMMUNITY COUNCIL can meet to discuss items of business in private where it considers it appropriate to do so. 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 (subject to 11(h), above) shall be open to members of the public. 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 meetings of the COMMUNITY COUNCIL and its committees shall be posted prominently within the COMMUNITY COUNCIL area before the date of any such meeting, and, where possible, be advertised by other suitable means.

13. Information to the Local Authority

The local authority's liaison officer 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 special meetings of the COMMUNITY COUNCIL are to be held, the local authority's liaison officer 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 monies 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 and for no other purpose. The monies provided by the local authority in the annual Administrative Grant for administrative and other approved purposes shall be used only as prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the community council), or in the absence of such terms, for the furtherance of the objectives of the COMMUNITY COUNCIL.
- (b) The treasurer shall undertake to keep proper accounts of the finances of the community council.

- (c) Any two of three authorised signatories, who must be office-bearers of the community council, may sign cheques on behalf of the COMMUNITY COUNCIL. Authorised signatories may not be co-habitees.
- (d) A statement of accounts for the last financial year, independently examined by an examiner appointed by the COMMUNITY COUNCIL, who is not a member of the COMMUNITY COUNCIL, shall be submitted to an annual general meeting of the COMMUNITY COUNCIL and shall be available for inspection at a convenient location.
- (e) The financial year of the COMMUNITY COUNCIL shall 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 shall be submitted to the local authority following approval at the community council's 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 meeting of the COMMUNITY COUNCIL and the terms of the proposed resolution 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. Any proposed alterations may not prejudice the terms and objectives contained within the local Scheme of Community Councils.

If the resolution is supported by two-thirds of the total voting membership of the COMMUNITY COUNCIL and is approved in writing by the local authority or its appointed officer, the alteration shall be deemed to have been duly authorised.

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. It is a requirement that not less than ten 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 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 wish the re-establishment of a COMMUNITY COUNCIL for the area, these electors shall 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 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 and in this event, the procedures for the establishment of a new COMMUNITY COUNCIL being those identified in the immediately preceding paragraph hereof, shall be initiated.

18. Approval and adoption of the Constitution

This Constitution was adopted by
COMMUNITY COUNCIL, on

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Signed: Chairman

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Member

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Member

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Date

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and was approved on behalf of Council on

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Signed

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Date

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MODEL STANDING ORDERS

1. Meetings (all held in public)

- (a) Ordinary meetings of the COMMUNITY COUNCIL shall be held in the months of [to be entered]. 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 the receipt of a common written request (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, it shall call such a meeting, which special meeting shall be held within **21** days of the receipt of the request made to the Secretary of the COMMUNITY COUNCIL. Annual general meetings are held annually.
- (b) The notice of ordinary and annual general meetings of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided to each COMMUNITY COUNCIL member and the local authority's named official by the Secretary of the COMMUNITY COUNCIL, at least 7 days before the date fixed for the meeting.

2. Minutes

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL should be drawn up within seven days from the date of that meeting, distributed in accordance with paragraph 3 of the Scheme of Community Councils and shall, following their approval, be signed at the next meeting of the COMMUNITY COUNCIL by the person presiding thereat and retained for future reference.

3. Quorum

A quorum shall consist of one-third of the current membership of the COMMUNITY COUNCIL, or 3 voting members, whichever is the greater.'

4. Order of Business

(i) Ordinary Meeting

The order of business at every ordinary meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.
- (b) The minutes of the last meeting of the COMMUNITY COUNCIL shall be submitted for approval.
- (c) Any other item of business, which the Chairperson has directed, should be considered.

- (d) Any other competent business.
- (e) Questions from the floor.
- (f) Chairperson to declare date of next meeting and close meeting.

(ii) Annual General Meeting

It will not be uncommon that the COMMUNITY COUNCIL has arranged for an ordinary meeting of the COMMUNITY COUNCIL to begin at the close of the annual general meeting to enable any outstanding reporting on business matters to be heard; and for COMMUNITY COUNCIL members and members of the public to have an opportunity to bring matters to the attention of the COMMUNITY COUNCIL, possibly for inclusion on a future agenda.

The order of business at every annual general meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.
- (b) The minutes of the last annual general meeting of the COMMUNITY COUNCIL shall be submitted for adoption.
- (c) Chairperson's Annual Report (and questions from the floor).
- (d) Secretary's Annual Report (and questions from the floor).
- (e) Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).
- (f) Demit of current office bearers/election of office bearers.
- (g) Chairperson to declare date of next annual general meeting and close meeting.

(iii) Extraordinary General Meeting

The order of business at every extraordinary general meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.
- (b) Business for debate, as described in the calling notice for the special meeting.
- (c) Chairperson to close meeting.

5. Order of Debate

- (a) The Chairperson shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and his/her ruling shall be final and shall not be open to discussion. In particular, the Chairperson shall determine the order, relevancy and competency of all questions from the public in attendance at meetings of the COMMUNITY COUNCIL raised at 4. (e) above. The Chairperson in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the community and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chairperson shall have the power, in the event of disorder arising at any meeting, to adjourn the COMMUNITY COUNCIL meeting to a time he/she may then or afterwards fix.
- (b) Every motion or amendment shall be moved and seconded.
- (c) After a mover of a motion has been called on by the Chairperson to reply no other members shall speak to the question.
- (d) A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- (e) A motion or amendment which is contrary to a previous decision of the COMMUNITY COUNCIL shall not be competent within six months of that decision.

6. Voting

- (a) Voting shall be taken by a show of hands 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.
- (b) The Chairperson of a meeting of the COMMUNITY COUNCIL shall have a casting vote as well as a deliberative 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.

8. Committees

The COMMUNITY COUNCIL may appoint such committees as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers.

9. Suspension of Standing Orders

These Standing Orders shall 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.
