

Agenda Item	3
Report No	HC/36/19

HIGHLAND COUNCIL

Committee: The Highland Council

Date: 5 September 2019

Report Title: **Review of the Highland Scheme of Establishment for Community Councils 2018/19 – Final Approval**

Report By: Acting Head of Policy

1. Purpose/Executive Summary

- 1.1 Community Councils are created and governed through a Scheme of Establishment which is developed by each Local Authority. Local Authorities must periodically review the Scheme for their area. The Council agreed to review the Scheme in January 2019 and the first phase of consultation ran between March and May 2019. The findings of that first phase were considered at a meeting of the Council in June at which time Members approved a further and final phase of consultation incorporating the changes received during phase one.
- 1.2 This paper sets out the feedback received during the second phase of consultation, any changes proposed as a result of that and recommends that Council approves a new Scheme of Establishment for Community Councils in Highland which is set out in appendix 1 of the paper.

2. Recommendations

- 2.1 Members are asked to:
- Note the feedback received during the phase 2 consultation as part of the review of the Community Council Scheme
 - Agree a new Scheme of Establishment for Community Councils in Highland which is set out at appendix 1 of the report.

3. Implications

- 3.1 Resource – the current Scheme is being reviewed within existing resources. There are no additional resources to support any new or additional activity. The budget for administrative grants to Community Councils is £88,000. A review of Community Council funding will commence following agreement of the new Scheme.
- 3.2 Legal – The Council has a legal duty to periodically review the Scheme of Establishment for Community Councils and the current Scheme commits the Council to doing this within each Local Government cycle.
- 3.3 Community (Equality, Poverty and Rural) – Screening for community impacts has been completed. One of the proposed amendments to the Scheme considers how to improve youth engagement within Community Councils. The screening for equality impact also highlighted the need to better understand the make-up of Community Councils across Highland to help better understand and promote the opportunities. This will be taken forward following the elections. A number of the proposals regarding membership have also focused on how to support and sustain smaller Community Councils in rural communities. This includes providing an additional administrative grant to Community Councils in rural areas to reflect the challenges of operating in a rural area.
- 3.4 Risk – The Council is required to review the Community Council Scheme within each Local Government cycle. A new Scheme is required prior to the commencement of the election process for Community Council Elections in late September.
- 3.5 Climate Change/Gaelic – there are no direct implications as a result of this report.

4. Background and Process for Review

- 4.1 Community Councils are created and governed through a Scheme of Establishment which is developed by each Local Authority. The Highland Scheme is based on the Scottish Government model Scheme and sets out the parameters under which Community Councils are to operate. The current Scheme of Establishment for Highland came into effect in 2011, with a short review in 2013.
- 4.2 The process for any review of the Community Council Scheme is set out in section 53 of the 1973 Local Government (Scotland) Act. The Council is required to undertake a two-stage process:
- Stage 1 – the formal decision to review, and the outline proposals, need to be passed by not less than two-thirds of members voting at a special meeting of the Council convened specifically for that purpose. Public notice is then given of the intention to review along with details of the proposals, with Community Councils and the public invited to make representations regarding the proposals.

- Stage 2 - the Council will consider any representations made and may amend the scheme in accordance with:
 - the notified proposals; or
 - those proposals as amended to take account of any such representations.

Should the proposals be amended following representations received during stage 1, then further public notice shall be given and an opportunity for the public to comment on the amended proposals.

4.3 At the meeting of the June Council, Members agreed a number of changes to the draft Scheme following the feedback received during the phase 1 consultation. A further period of public consultation was held during July and August to allow for any additional representations to be received.

4.4 Under the Local Government (Scotland) Act 1973, the final decision to amend the Scheme needs to be passed by not less than two-thirds of members voting at a Special meeting of the Council convened for that purpose. Members are being asked to consider the feedback and final recommendations to amend the Community Council for Highland and to agree a new Scheme which would commence from 16 September 2019.

5. **Scheme Review Phase 2 Consultation Feedback**

4.1 The second phase of consultation of the review of the Scheme began in July and ran until 26 August 2019. Promotion of this consultation went through our normal media channels and direct to Community Councils.

4.2 Very few representations were received during this final phase of consultation and in the main these concentrated on the proposed changes to boundaries. In total 14 responses were received. 9 were from Community Councils and 5 were from members of the public. 9 responses were all focused on boundary proposals.

4.3 ***Reviewing the Boundaries***

4.3.1 Initial engagement with Community Councils during 2018 resulted in a number of proposals regarding changes to boundaries. Feedback received during phase 1 led to a number of amendments to these and a further set of boundary changes proposed for phase 2 consultation. Based upon the feedback received during phase 1 and 2 consultations, the following boundary amendments are recommended for approval and inclusion within the new Scheme:

4.3.1 Table 1:

Community Council:	Boundary Proposal:	Recommendation following Phase 2
Smithton & Culloden	Split into two new CCs	Agree creation of two new Community Councils: Smithton Community Council Culloden Community Council
Cradlehall and Westhill CC and Balloch CC	Amend north east boundary between Cradlehall and Westhill with Balloch	Agree amendment
Beauly and Muir of Ord	Include The Braes to the north and Wyndhill to the east as these communities are both serviced from Beauly and have active community members	Agree to amend boundary but retaining Wyndhill in Muir of Ord following representation from Muir of Ord CC
Fort William and Inverlochy & Torlundy	Combine Fort William and Inverlochy and Torlundy Community Councils	Creation of one Community Council: Fort William, Inverlochy and Torlundy Community Council
Balloch and Smithton and Culloden	Proposal from Balloch to extend at Balloch Farm and take into account development.	Agree amendment
Balloch and Cradlehall and Westhill	Proposal from Balloch to extend at Viewhill	Agree amendment
Balloch and Croy	Proposal to include Feabuie within Balloch CC	Agree amendment
Croy and Culloden Moor and Strathnairn	Proposal to include parts of Culloden Moor from Strathnairn to Croy CC	Agree amendment – change proposed as a result of feedback from Strathnairn to ensure no residential properties impacted
Inverness South	Proposal to split Inverness South Community Council into Inshes and Milton and Leys and Slackbuie Community Councils	Agree creation of two Community Councils: Inshes and Milton of Leys Community Council Slackbuie Community Council
Mallaig	Split Knoydart from Mallaig	Creation of two Community Councils: Mallaig Community Council South Knoydart

Maps illustrating these changes can be found on the Council's website at www.highland.gov.uk/schemereview

4.3.2 Based upon the feedback received during phase 2, the following boundary proposals are not recommended for progression:

Community Council:	Boundary Proposal:	Recommendation following Phase 2
Dores and Essich and Holm	Received from Dores and Essich following engagement with neighbouring Community Councils Boundary between Dores and Holm to be redrawn to reflect housing development	Following CC engagement with community, agree not to proceed due to lack of support
Cradlehall and Westhill, Croy and Strathnairn	Proposals to remove areas from Strathnairn to Croy and Cradlehall and Westhill	Not recommended to proceed. Strathnairn CC not in favour as residents would no longer have access to community benefit fund schemes

4.3.3 A small number of representations were received during phase 2 consultation that had not been previously proposed. These included:

- Creating one Community Council for Seaboard
- Creating two Community Councils for Skye – one for the North and one for the South

Given that there has not been wider engagement or investigation of these proposals, it would not be appropriate to progress these at the current time. However, Community Council boundary amendments are within the Scheme of Delegation for local committees and can be progressed locally should there be support to do so.

4.4 **Reviewing the Scheme – Comments on proposals**

4.4.1 The main proposals to amend the Community Council Scheme can be captured under four key headings:

- Membership
- Elections
- Code of Conduct/Complaints Procedure
- Finance

In addition, a series of minor amendments are also proposed which set out to update or provide clarification over particular aspects of the Scheme.

4.4.2 Only 6 responses were received on changes proposed to the Scheme. The representations are summarised below and include the proposed response. In the main, these suggestions have been answered following phase 1 or there has been support from the wider Community Council group for the proposal:

- 1 representation that Youth Members should be elected not appointed. Strong support from Community Councils for this proposal to encourage younger membership therefore propose to retain.
- Disagreement that Youth Members should be able to make financial decision. Cognisance taken of this point following phase one and proposal amended to only allow 16-18 year olds to be members.
- 2 comments were received expressing concern on the need for a written financial statement at each meeting. Transparency regarding the use of Community Council funds is important therefore propose to retain.
- Clarify associate members can be appointed at any time. Amendment made a 5.5.
- Disagreement on need to minute declarations of interest. Support from Community Councils for individual Community Councillors to be clearer regarding declarations.

4.4.3 A small number of additional proposals for inclusion were made. These are outlined below. It is not proposed to progress these at the current time with the rationale set out for each.

- Every Community Council should have a website hosted by Highland Council. Practically and financially challenging to provide.
- One representation suggesting changes to the membership formula. No other representations received on this throughout the review therefore current formula to be retained.
- Where Community Councils object to a planning application this should be automatically considered at Committee. This is not something for the Community Council Scheme but will be passed to Planning colleagues for any review of planning policy.

4.4.4 A number of additional amendments have been made to section 3.3 'Equality' following recommendations from the Council's Principle Policy Officer for Equality. The duties and responsibilities on Community Councils have not changed however the additional wording clarifies the responsibilities.

4.4.5 All the proposals to amend the Scheme are set out in Appendix 1 in grey text boxes.

5. Next Steps

5.1 Members are being asked today to agree a final Scheme of Establishment for Community Councils in Highland. This would replace the existing Scheme and come into effect on 16 September 2019. This would allow for elections to Community Councils, due to commence on 23 September 2019, to take place under the new Scheme. All proposals and revisions are set out in the Scheme document found at appendix 1 and circulated separately.

5.2 Further work is planned to progress a number of the issues raised during

engagement with Community Councils as part of this Scheme review. This includes:

- **Promotion of Community Council elections.** The period for nominations for Community Councils elections will begin on Monday 23 September 2019, with election day set for 20 November 2019. In advance of this, work has been ongoing to develop a range of materials to support the election process and promote the role and purpose of Community Councils. This includes a promotional video, information leaflet and posters.
- **Complaints procedure.** As outlined in the June paper to Council, it is proposed to develop a complaints process, in conjunction with Community Councils, to enable them to deal with complaints both internally and externally.
- **Community Council finance.** As noted in previous reports to Council, following approval of the new Scheme, separate engagement with Community Councils is planned to review the distribution of the Community Council grant. The formula for the grant is set within the Scheme but work will take place with Community Councils to consider implementation. Any changes would then be introduced in April 2020.
- **Governance review.** As part of the discussions on governance with local members, consideration has been given how best involve, include and engage Community Councils, and other community groups, locally in Council business. Work to progress this will be taken forward within each local committee area under the new area structure.
- **Working Together: Principles and Practice.** Led by the Community Council Steering Group, a piece of work will begin following the agreement of the Scheme to establish a shared set of principles and working practice between the Council and Community Councils. Community Councils have been clear regarding the importance of establishing the nature of the relationship between the two sets of bodies and setting out shared expectations and responsibilities. Whilst the Scheme is a legislative requirement to set out the operating parameters of Community Councils, the terms of engagement will set out how the Council and Community Councils will work together.

Author: Alison Clark, Acting Head of Policy

Date: 28 August 2019

Background papers:

Appendix 1:

2018/19 Review: Highland Scheme of Establishment for Community Councils
– Version 3 for Final Approval

Appendix 1

Scheme of Establishment Document Version 3 for Final Approval – circulated separately



COMMUNITY COUNCILS IN HIGHLAND

Scheme Review 2018-19

This document outlines the proposed changes as part of the Review of the Highland Community Council Scheme 2018-19. All proposed changes are in italics and, for ease of reference and the purpose of consultation, contained within a text box similar to this.

Introduction

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

Community Councils in each Local Authority area are created through a Scheme of Establishment and each Scheme sets out the framework through which Community Councils are to operate.

This Scheme is based upon the model Scheme published by the Scottish Government in March 2009 for use by Local Authorities. The Scheme encompasses a suite of documents which include:

- Community Council Boundary Maps (appendix 1)
- Community Council Membership Numbers (appendix 2)
- Standard Community Council Constitution (appendix 3)
- Standard Community Council Standing Orders (appendix 4)
- Code of Conduct for Community Councillors (appendix 5)

- ~~Standard financial report format (appendix 6)~~
- ~~Standard election documentation (appendix 7)~~

These documents are designed to support the operation of Community Councils across the Highland area.



Scheme for the Establishment of Community Councils in Highland

Scheme Review 2018/19

Version 3 for Final Approval September 2019

1. Background

- 1.1 The Highland Council, in accordance with the terms of Section 22 of the Local Government (Scotland) Act 1994, has adopted the following Scheme for the Establishment of Community Councils.

~~within The Highland Council area and has revoked the eight former Schemes made by the former District Councils, and adopted by Highland Council upon its formation in 1996, with effect from 1st April 2011.~~

- 1.2 *This current version of the Scheme was reviewed in 2018/19 under the terms of the Local Government (Scotland) Act 1973. It was agreed by a Special Meeting of the Council on 5 September 2019 and will come into effect on 16 September 2019.*

2. Statutory Purposes

- 2.1 The statutory purposes of 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

3.1 General Role

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 making representations to The Highland Council, other public sector bodies and private agencies on matters within their sphere of interest.

Community Councils have key roles in consultations on planning applications and liquor licence applications.

Planning:

- Community Councils will be consulted on the submission of planning applications for proposed developments that are categorised as being of national or major scale or of significance to the community. Community Councillors may also be invited to attend events held by applicants to inform members of the community about the development proposed prior to submission of a planning application. Community Councils may also request to be consulted on specific applications once the application has been submitted.
- Once a planning application is submitted it will be recorded on the weekly list of applications and the e-planning website compiled by the planning authority and made available to Community Councils. If the Community Council wishes to be consulted on an application not directly referred to it by the planning team, it must timeously contact the planning officer concerned.
- To support Community Councillors in this role, the Council will make efforts

to brief Community Councillors on new planning legislation when it is enacted. Community Councillors should make themselves available to attend such training sessions where reasonably possible.

Licensing:

- From time to time the Licensing Board will also consult on policy issues and will notify Community Councils of all new premises licences and major variation applications.

Community Councils may be consulted on any other matters by The Highland Council, other public sector bodies and private agencies. Community Councils are expected to

facilitate local views and represent these in wider local forums where appropriate such as community planning activity. ~~get involved in local activity to engage and understand community views such as community planning activity.~~ participate in community planning arrangements at a local level such as Ward Forums.

Community Councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objects of their Constitution and the terms of the Council's Scheme for the Establishment of Community Councils, hereinafter respectively referred to as 'the Scheme'.

As set out at section 15 of the Community Council Constitution, 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 as Trustees of the Community Council.

There should be mutual engagement in the establishment of working relationships with The Highland Council and other agencies.

3.2 Responsibilities

In carrying out their activities Community Councils and their members must at all

times adhere to the law and to the terms of the Council's Scheme, their Constitution and Standing Orders and the Community Councillors' Code of Conduct (Appendix 5).

~~After the 31st March 2011 but before the end of June 2011, each Community Council is required to:~~

~~**Adopt the Constitution at Appendix 3** as approved by The Highland Council and based upon the Model Constitution. This is to encourage and maintain consistency for all Community Councils and ensure that each Community Council is appropriately regulated. Any Community Council's Constitution which is not exactly in terms of Appendix 3 is required to be approved by Highland Council. Any changes to the Constitution of a Community Council must be approved by The Highland Council.~~

~~**Adopt the Model Standing Orders at Appendix 4** in order to ensure that the proceedings of each Community Council is properly structured, that items of business relevant to the community are properly debated and decisions reached in a democratic manner.~~

~~**Note the terms of the Code of Conduct for Community Councillors at appendix 5** of this Scheme.~~

Each Community Council is required to

..adopt Highland Council's Child Protection Policy for Community Groups, where the Community Council intends to involve children in its activities.

Each Community Council has a duty to:

Maintain proper financial records in accordance with standard financial reporting format

at Appendix 6 provided to Community Councils,

subject to a minimum of a cashbook, bank statements, invoices and/or receipts. It is also expected that a written financial report

including the current balance,

will be presented at each Community Council meeting. Standard templates for presenting financial information at the year end must be used.

Any proposal to amend or update the financial templates will include engagement with Community Councils.

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, websites and notice boards.

In addition, Community Councils should consider: the use of social media as a way of promoting and sharing information about Community Council activity; promoting what the Community Council has achieved through local media, social media and newsletters; and attendance at local events and activity as a way of raising awareness and promoting the work of the Community Council.

Ensure that the Community Council is accessible by the wider community and, subject to the provisions contained within Data Protection Legislation, make available contact details of Community Council office bearers.

3.3 Equality

Communities Councils must

ensure that responsibilities and activities are carried out in accordance with equal opportunities legislation. The Equality Act 2010t makes it unlawful to discriminate against persons or groups on the grounds of the protected characteristics of race, sex, gender recognition, disability, age, sexual orientation, marriage and civil partnership, pregnancy and maternity, and religion or belief.

~~comply with equal opportunities legislation that makes it unlawful to discriminate against persons or groups on the grounds of race, gender, gender recognition, disability, age, sexual orientation, and religion or belief.~~

Community Councils are subject to the Public Sector Equality Duty within the Act and must consider general duties to:

- *Eliminate discrimination, harassment, victimisation or any other prohibited conduct*
- *Advance equality of opportunity*
- *Foster good relations by reducing prejudice and promoting understanding*

Community Councils

must act in a manner that is non-discriminatory at all times and

should consider, in particular, how they can contribute towards promoting equality on the basis of the above named grounds, whether in relation to their role advising on planning applications, running community facilities, improving the quality of life through local community safety projects and ensuring meetings are held in accessible venues or otherwise.

Community Councils should recognise and value diversity in their membership and in their communities, and ensure that equality of opportunity be given to every resident to have their knowledge, opinion, skill and experience taken into account.

3.4 Representing the Community

Community Councils have a duty under statute to represent the views of their local community. It is essential that these views are demonstrated to be representative of the community and that they reflect the broad spectrum of opinion and interests of all sections of the community.

In order to fulfil their responsibilities to be effective and representative, Community Councils: -

- Should be aware of the National Standards for Community Engagement available on the Scottish Government website, the link to the document at the time of publishing this Scheme being: <http://www.voicescotland.org.uk/>
- Shall identify, in consultation with The Highland Council, recognised consultative mechanisms to validate their views and devise strategies to

secure greater involvement by all sectors of the community.

This may include the use of social media, newsletters and local surveys, targeting and liaison with key groups within the community and attendance at local events and activity.

- Will make particular efforts to encourage young people and other under-represented groups to attend or participate in Community Council meetings and to ensure equality of opportunity in the way the Community Council carries out its functions.
- Shall seek to broaden both representation and expertise by promoting the Associate Membership of the Community Council of persons for specific projects/issues.

- *Respond to enquiries and complaints from the community, using the Community Council complaints handling process.*

4. Community Council Areas within The Highland Council Area

- 4.1 The Highland Council has produced a list of named Community Council areas and a map or maps that define their boundaries. Detailed maps of these areas can be found on The Highland Council's website or through the appropriate local office.

5. Membership of Community Councils

- 5.1 ~~Membership numbers of Community Councils shall vary across the area however, from the date set by Highland Council for Community Council elections in November 2011 in terms of section 6.2.1 of this Scheme,~~

The minimum membership level of a Community Council shall be seven and the maximum thirteen. The formula for determining individual Community Council membership levels is:

- Each Community Council shall have a core membership of 7
- Each Community Council shall have one additional member per thousand of population up to the stated maximum
- In any Community Council area where the population density is less than

the Highland average of 9.1 residents per square km, that Community Council shall have one additional member, subject to the maximum of thirteen members not being exceeded

- No Community Council shall have a membership greater than the maximum permitted membership of 13

The membership numbers for each Community Council based on the latest available population figures at the time this Scheme was drafted are set out at Appendix 2.

~~For Community Councils already in existence at 1st April 2011 it is accepted that the membership already in place may not comply with the membership formula set out in this section. Any Community Council existing at 1st April 2011 and having a membership not complying with the formula in this section may continue with membership as it existed prior to 1st April 2011 until the election of that Community Council in November 2011. For the avoidance of doubt any appointment of new members to fill casual places/vacancies in the period between 1st April and the November election date will be carried out in accordance with this Scheme. Furthermore, the quorum in terms of section 7.3 of this Scheme, section 11.1 of the Constitution at appendix 3 and section 3 of the Standing Orders at appendix 4 shall, until November 2011 election date will be calculated in accordance with section 7.3 of this Scheme, 11.1 of the Constitution and 3 of the Standing Orders.~~

- 5.2 No person shall vote in a Community Council election or stand for election as a Community Councillor unless he or she is named in the electoral register

~~or supplementary electoral register~~
for that Community Council area

and will have attained the age of 16 years on the date fixed by The Highland Council for the Community Council election.

- 5.3 Community Councillors and candidates for Community Council membership must reside within and be named on the electoral register

~~or supplementary electoral register~~

for the particular Community Council area.

5.4 Provision shall be made for non-voting Associate and Ex-Officio Membership as set out below. Such persons will not be counted in terms of meeting a quorum, or towards the total number of Community Council members.

5.5 *Associate Members*

Associate members, who need not be resident within the Community Council area, may be appointed by a majority vote of a Community Council where there is considered to be a need for individuals with particular skills or knowledge.

Associate members shall have no voting rights on the Community Council.

Associate members may serve for a fixed period as determined by the Community Council or for the term of office of the Community Council that has appointed them whichever is the shorter. Associate members may include representation from other constituted local voluntary organisations and persons under the age of 16.

At the first meeting of a Community Council following an election, consideration should be given whether to grant associate membership to key groups within the community, such as parent councils, development trusts etc., to broaden membership and strengthen links within the community. Associate members can be appointed at any time.

5.6 *Ex-Officio Members*

~~From the date fixed by Highland Council for Community Council elections in November 2011,~~

Members of The Highland Council and members of the Scottish, United Kingdom and European Parliaments shall be ineligible to remain or become Community Councillors, or to stand for election to a Community Council.

~~Any member of The Highland Council, Scottish, United Kingdom or European Parliament who is a Community Councillor at the date of introduction of this Scheme may remain as a Community Council member until the date set for election in terms of section 6.2.1 hereof.~~

Members of the aforementioned bodies whose wards or constituencies fall wholly

or partly within the geographical area of the Community Council, shall be deemed ex-officio members of the Community Council. Ex-officio members shall have no voting rights on the Community Council.

5.7 Youth Membership

Each Community Council is able to appoint two youth members between the ages of 16-18. Youth members must live within the Community Council area. The appointment shall be made in liaison with the local High School and Youth Work Service. These members shall be in addition to the total membership of each Community Council but will be considered as full members of the Community Council. They will have full voting rights, with the exception of co-option and will be appointed for a two year term.

6. Community Council Elections

6.1 Eligibility

6.1.1 Only individuals

aged over 16 and

resident in the Community Council area and named in the Electoral Register

or Supplementary Electoral Register

for that area may stand for election to a Community Council or vote in a Community Council election.

~~6.1.2 A supplementary electoral register will be compiled for 16 and 17 year olds to support their participation.~~

6.1.3 Any Community Councillor who no longer resides within that Community Council area or whose name has been removed from the electoral register for that Community Council area, will

... only be eligible to remain as a Community Councillor until the date of the next Community Council elections, whether interim or full, regardless of whether the

~~creation of the vacancy triggers an election.~~

~~be deemed to have resigned from that Community Council on the date on which he or she ceased to be resident in the Community Council area or the date on which his or her name was removed from the electoral register for that area, whichever is the earlier.~~

6.2 ***Nominations and Elections***

6.2.1 ***Background***

The first elections to be held under this Scheme shall be held during November

~~2019-2011 on a date or dates to be fixed by The Highland Council. For the avoidance of doubt, apart from the filling of casual places/vacancies, no Community Council elections shall be held between 1st April 2019-2011 and the date fixed by The Highland Council for elections in terms of this section.~~

Subsequent elections will be held on a four-yearly-cycle, on dates to be determined by The Highland Council.

The Highland Council will administer all elections, with the exception of interim elections outlined at section 6.2.6 b.

All Community Councillors shall stand down at each *full* election but shall be eligible for re-election.

6.2.2 ***Returning Officer***

The Highland Council will appoint an Independent Returning Officer. The Independent Returning Officer must not be a member of that Community Council nor intending to stand for election to that Community Council.

6.2.3 ***Nominations***

Candidates eligible to stand for election in terms of paragraph 6.1.1 of this Scheme should complete a Nomination Form.

~~, the style of which is set out in Appendix 7.~~

Nomination forms must be submitted to the Returning Officer by the date and time

set down in the election timetable. No nomination forms submitted after that date and time will be accepted.

6.2.4 Process

On the expiry of the period for

Withdrawing

nominations:

1. Should the number of candidates validly nominated equal or exceed **HALF**, but be less than or equal to the total maximum permitted membership as specified for the Community Council area in Appendix 2 of the Scheme, the said candidates will be declared elected from that date and no ballot shall be held.
2. Should the number of candidates validly nominated exceed the total maximum permitted membership as specified for the Community Council area, arrangements for a ballot shall be implemented. Each elector shall be entitled to vote for a number of candidates up to and including the number of vacancies on the Community Council.
3. Should the number of candidates elected, be below **HALF** of the total maximum permitted membership, as specified for the Community Council area, no Community Council will be established at that time. In that event, it shall be at the discretion of The Highland Council to issue a further call(s) for nominations when it is deemed appropriate.

6.2.5 Method of Election

- Elections will be run across the whole Highland Council area or devolved administrative areas, as deemed appropriate.
- All elections will be carried out by means of a postal
and/or electronic ballot. Where an electronic ballot is used this will be in conjunction with a postal ballot.
- Community Councillors shall be elected on a simple majority basis.

6.2.6 Filling of casual places/vacancies between elections

Casual vacancies on a Community Council may arise in a number of circumstances including:

- When an elected Community Councillor submits his or her resignation;
- When a member ceases to be resident in or on the electoral role for that Community Council area;
- When a member is disqualified from holding office. (Section 11).

Should a vacancy or vacancies arise on a Community Council between elections:

- the Community Council must inform the named Highland Council officer.
- Subject to the following paragraph, should the vacancy or vacancies result in the number of elected Community Councillors falling below **HALF** of the maximum permitted membership:
 - then the Community Council shall stop operating immediately until an interim election is called.

The exception to this is where, with existing co-opted members, the Community Council can still fulfil quorum requirements. In these circumstances the Community Council can continue to operate until the next interim election.

- Interim elections will be held

twice ~~three~~ times

annually on dates scheduled by The Highland Council.

Dates for interim elections will be notified to Community Councils at the start of each year.

Any interim election will only seek to fill vacant positions or those held by co-opted members. In these circumstances the Highland Council will administer the election.

- If, following this election the Community Council fails to achieve HALF its maximum permitted membership, the Community Council will be dissolved at that time.
- If the number of elected Community Councillors falls below **HALF** of

the maximum permitted membership less than six months prior to a scheduled election then there will be no interim election at that time but the Community Council *may* continue to operate with the agreement of The Highland Council but only if the number of Community Councillors remaining meet the quorum level.

- For all other vacancies, the Community Council may fill the vacancy either:
 - a) through co-option

~~within the parameters set out at section 6.3. provided the number of co-opted members does not exceed one third of the total permitted membership of the Community Council.~~

OR

- b) by itself undertaking an interim postal ballot as per the standard election procedure set out earlier.

6.3 Co-option to Community Councils

- Notice of any proposed co-option of a member or members shall appear as an item on the agenda for the Community Council meeting which will be sent to all of the Community Council's members at least 7 days prior to the meeting when the matter will be decided.
- Co-opted members must be eligible for membership of the Community Council in terms of paragraphs 5.2 and 5.3 of this Scheme.
- Members cannot be co-opted on to the Community Council except by a majority of no less than two thirds of the elected (general and interim) Community Councillors present and voting.
- Co-opted members shall have full voting rights, with the exception of voting on co-option of members, and will serve until the next round of elections (general and interim).

Community Councils may co-opt up to their maximum permitted membership, as long as the number of co-opted members does not exceed 4 and half of all Community Councillors are elected.

~~The number of co-opted members may not exceed a THIRD of the total possible Community Council membership.~~

7. Meetings

- 7.1 The first meeting of a Community Council following a Community Council election, will be called by the Returning Officer appointed by The Highland Council and will take place within 21 days of the date of the election, or as soon as practicable thereafter. The business of the meeting following the first election under this Scheme will include the adoption of the Constitution and Standing Orders set out at Appendices 3 and 4 of this Scheme. Any Community Council's constitution which is not exactly in terms of Appendix 3 is required to be approved by Highland Council. Any changes to the constitution of a Community Council must be approved by The Highland Council.
- Thereafter, the first meeting following each election, and each interim election, will include the appointment of office bearers and any outstanding business matters from the outgoing Community Council.
- 7.2 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 general meeting shall be held before the end of June.
- 7.3 The quorum for Community Council meetings shall be 4 voting members of the Community Council.
- 7.4 An outline for the content of business that Community Councils should adhere to when holding ordinary, special and annual general meetings is contained within the Standing Orders.

8. Liaison with The Highland Council

- 8.1 In order to facilitate the effective functioning of Community Councils, The Highland Council will identify a named officer to act as a Liaison Officer with each Community Council. Unless there is a specific agreement or an issue is a specific departmental issue, all correspondence between The Highland Council and the Community Council should, in the first instance, be directed through the named

Highland Council Officer.

- 8.2 Community Councils may make representations to The Highland Council and other public and private agencies, on matters in which it has an interest. Representations should be made, in the case of statutory objections, such as planning or licensing matters, to the appropriate Highland Council official. On issues where a Highland Council service is consulting with Community Councils, representations should be made to the appropriate service officer.
- 8.3 Community Councils will present draft minutes of Community Council meetings to The Highland Council via its named officer normally within 14 days from the date of that meeting taking place. Meeting agendas will be distributed 7 days prior to the date of the meeting. Draft minutes and agendas will be circulated to Community Council members (including ex officio members who were present or express an interest and associate members), and the named Highland Council Officer.
- 8.4 Community Councils will inform The Highland Council of any change in membership (including resignations, Co-options, Associate Membership, Office Bearers etc.) and the circumstances of these changes, as soon as is practicable.

9. Resourcing a Community Council

- 9.1 The financial year of each Community Council shall run from 1st April each year to 31st March in the succeeding year. A certified financial report (as detailed in section 9.2 of this Scheme) will be presented to the Community Council's annual general meeting and a copy submitted to The Highland Council before the end of June each year in the prescribed format

set by The Highland Council. set out at Appendix 6 of this Scheme.

- 9.2 The Financial Report of each Community Council shall be independently examined and certified by at least one examiner appointed by the Community Council, who is not a member of that Community Council and has no personal or professional relationship with the Treasurer. A copy of the certified financial report

shall be submitted for approval at the Community Council's annual general meeting and immediately thereafter a copy shall also be forwarded to the appropriate named Highland Council officer.

- 9.3 The appropriate named Highland Council officer may at his or her discretion, and in consultation with the Council's Chief Financial Officer, require the Community Council to produce such of its financial records - cashbook, bank statements, invoices and/or receipts records - as may be required to verify the financial statement.
- 9.4 Each Community Council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.
- 9.5 Each Community Council shall be eligible to apply for grants or funding in kind for suitable projects through The Highland Council's grant system.
- 9.6 The Highland Council shall provide an administrative grant to Community Councils for the purpose of assisting with the operating costs of the Community Council. The use to which the grant is put will be clearly identified in the minutes and shown in the Community Council's financial records. The grant shall be fixed at a minimum flat rate of £ **(to be determined by The Highland Council)** with an additional
- amount (to be determined by The Highland Council) to reflect those serving rural and sparsely populated communities.*

~~minimal - p. per head of population.~~
- 9.7 The Highland Council 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 Highland Council and other relevant topics.

9.8 In election year, all Community Councils are required to ensure their accounts are up to date and a mid-year balance is taken prior to the election.

10. Liability of Community Councillors

10.2 It is the responsibility of the Community Council to have appropriate insurance cover for all assets of the Community Council, for the actions of the Community Council and for the actions of individual Community Councillors while acting as such. Advice on this can

only be obtained directly from the Insurers. ~~The Highland Council.~~

10.1 A local scheme of insurance liability and property cover is available through the

Highland Council's Insurers. ~~Highland Council's Insurance Manager.~~

The insurance liability cover, in standard terms,

should be requested directly from the Insurers. This cannot be done on the organisation's behalf.

~~will become effective no later than the end of the next business day following the Community Council requesting insurance cover~~

~~The Highland Council.~~

Insurance cover not in standard terms will be granted on a discretionary basis and may take longer to obtain.

10.3 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 as Trustees for the Community Council.

11. Disqualification of Membership

11.1 As per paragraph 6.1.3, any Community Councillor who no longer resides within that Community Council area and/or whose name has been removed from the electoral register for that Community Council area is

... only be eligible to remain as a Community Councillor until the date of the next Community Council elections, whether interim or full, regardless of whether the creation of the vacancy triggers an election.

~~deemed to have resigned from that Community Council on the date on which he~~

~~or she ceased to be resident in the Community Council area or the date on which his or her name was removed from the electoral register for that community council area, whichever is the earlier.~~

This excludes associate members appointed to the Community Council and ex-officio members.

- 11.2 *If a Community Councillor does not attend a Community Council meeting for 6 consecutive months the Community Councillor will be disqualified from office; unless at the first opportunity after the 6 months period has elapsed the Community Council agree by majority that the absence is reasonable in all the circumstances. Disqualification under this rule will not prevent the Community Councillor from standing at the next election.*

~~If any Community Councillor fails throughout a period of six consecutive months to attend a meeting, he or she will, unless the failure is due to some reason approved by the Community Council, cease to be a member of the Community Council.~~

12. **Establishment of Community Councils Under this Scheme**

- 12.1 ~~Where it has been resolved by The Highland Council that an existing Community Council shall continue to operate within existing boundaries, then with effect from 1 April 2011~~

The Scheme as revised and approved on 5 September 2019 shall come into effect on 16 September 2019 and

said Community Councils shall be required to operate within the terms of this Scheme.

- 12.2 Any funds, assets and liabilities pertaining to any existing Community Councils as at

the expiry of the withdrawal period or election day - should a ballot be undertaken -

whose boundaries shall be substantially changed or amended shall transfer proportionately to any new Community Councils covering their area. The division of funds, assets and liabilities between the new Community Councils will be made

on an equitable basis and if agreement cannot be reached, The Highland Council shall be the final arbiter.

- 12.3 Details outlining when the first elections under this Scheme will take place are found in section 6 of this Scheme.
- 12.4 Notwithstanding the above, where a Community Council is not formed or has formed and been dissolved in terms of section 13 below, should twenty or more electors wish the establishment or re-establishment of a Community Council for that area, these electors shall submit a requisition to The Highland Council in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which The Highland Council shall arrange for elections to be held in accordance with section 6 of this Scheme.
- 12.5 Once established under this Scheme a Community Council shall conduct itself in accordance with the provisions of this Scheme.

13. Dissolution of a Community Council

- 13.1 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. Not less than ten days prior to the date of such meeting a public notice will be published in the Community Council area giving intention of the proposal to dissolve. If the resolution is supported by a majority of those persons present and qualified to vote, and is subsequently approved by The Highland Council, the Community Council shall be deemed to be dissolved and all assets remaining, subject to the approval of The Highland Council, after the satisfaction of any proper debts or liabilities shall transfer to The Highland Council who shall hold same in Trust for a future Community Council representing that area. Upon transfer, and the submission of a satisfactory, certified financial report, the potential liabilities of members and officers of the former Community Council are extinguished.

- 13.2 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 Highland Council 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 this Scheme.
- 13.3 Where for any reason, the number of Community Councillors falls below **HALF** the maximum permitted membership in this Scheme The Highland Council may, by suspending the Constitution of the Community Council, cause the Community Council to be dissolved and in this event, the procedures for the establishment of a new Community Council, identified in section 13.2, shall apply for the establishment of a new Community Council.
- 13.4 Notwithstanding the above terms, should a Community Council fail to hold a quorate meeting for a period of 3 consecutive prescribed meeting dates, The Highland Council may take action to dissolve that Community Council or instigate a Special Meeting.

14. Review of the Scheme of Establishment for Community Councils

- 14.1 This Scheme supersedes the previous Scheme set out under the Local Government (Scotland) Acts. The revocation of that Scheme is without prejudice to the validity of all decisions reached and implemented under it.
- 14.2 The Highland Council will review this Scheme of Establishment for Community Councils in Highland in each Local Government electoral cycle.
- 14.3 This will not preclude, where necessary, minor amendments to this Scheme in the intervening years. Minor amendments will require the approval of The Highland Council and would be considered annually at the Council meeting in June.

Boundary maps are available on Highland Council website.

Community Council Membership Numbers*

Caithness Sutherland and Easter Ross

Community Council	Total Community Council Membership
Alness	13
Ardgay and District	8
Ardross	8
Assynt	9
Balintore and Hilton	8
Berriedale and Dunbeath	8
Bettyhill, Strathnaver and Altnaharra	8
Bower	8
Brora	8
Caithness West	9
Castletown	8
Creich	9
Dornoch	9
Dunnet and Canisbay	9
Durness	8
Edderton	8
Fearn	7
Golspie	8
Halkirk	9
Helmsdale	8
Inver	7
Invergordon	10
Kilmuir and Logie Easter	8
Kinlochbervie	8

Total Population	Area (sq kms)	Population Density (Persons per sq km)	Core membership	Additional Member / 1000 population	Additional Member if pop. density < 9.1
6014	11.9	505.3	7	6	0
654	570.7	1.1	7	0	1
485	235.6	2.1	7	0	1
1031	552.6	1.9	7	1	1
1171	12.4	94.5	7	1	0
536	347.4	1.5	7	0	1
397	596.3	0.7	7	0	1
476	72.6	6.6	7	0	1
1766	188.8	9.4	7	1	0
1825	254.9	7.2	7	1	1
1512	66.8	22.6	7	1	0
1048	395.9	2.6	7	1	1
2522	150.9	16.7	7	2	0
1558	183.0	8.5	7	1	1
312	522.3	0.6	7	0	1
377	89.5	4.2	7	0	1
556	18.2	30.5	7	0	0
1651	69.5	23.8	7	1	0
1665	409.3	4.1	7	1	1
867	601.6	1.4	7	0	1
382	18.7	20.4	7	0	0
3953	24.1	164.0	7	3	0
1863	85.4	21.8	7	1	0
409	240.2	1.7	7	0	1

*Highland Scheme for the Establishment of Community Councils
Appendix 2*

Community Council	Total Community Council Membership
Lairg	8
Latheron, Lybster and Clyth	9
Melvich	8
Nigg and Shandwick	7
Rogart	8
Saltburn and Westwood	7
Scourie	8
Sinclairs Bay	8
Strathy and Armadale	8
Tain	11
Tannach and District	7
Tarbat	7
Thurso	13**
Tongue	8
Watten	8
Wick	13

Total Population	Area (sq kms)	Population Density (Persons per sq km)	Core membership	Additional Member / 1000 population	Additional Member if pop. density < 9.1
936	508.3	1.8	7	0	1
1261	149.8	8.4	7	1	1
343	252.7	1.4	7	0	1
382	32.2	11.9	7	0	0
469	427.8	1.1	7	0	1
421	0.7	602.1	7	0	0
226	345.2	0.7	7	0	1
1471	83.5	17.6	7	1	0
207	231.6	0.9	7	0	1
4132	58.4	70.8	7	4	0
929	92.9	10.0	7	0	0
734	23.7	31.0	7	0	0
7353	5.1	1441.8	7	7	0
559	411.7	1.4	7	0	1
678	132.4	5.1	7	0	1
6807	7.7	884.0	7	6	0

**Total Membership permitted is 13

Ross, Skye and Lochaber

Community Council	Total Community Council Membership
Acharacle	8
Applecross	8
Ardgour	8
Arisaig	8
Aultbea	8
Avoch and Killen	8
Ballachulish	7
Broadford and Strath	9
Caol	10
Coigach	8
Conon Bridge	8
Contin	7
Cromarty	7
Dingwall	12
Dornie And District	8
Dunvegan	8
Duror and Kentallen	8
Ferintosh	9
Fort William and Inverlochy and Torlundy	13
Fortrose and Rosemarkie	9
Gairloch	9
Garve and District	8
Glencoe and Glen Etive	8
Glendale	8
Glenelg and Arnisdale	8

Total Population	Area (sq kms)	Population Density (Persons per sq km)	Core membership	Additional Member / 1000 population	Additional Member if pop. density < 9.1
573	221.8	2.6	7	0	1
211	195.9	1.1	7	0	1
379	321.0	1.2	7	0	1
564	150.0	3.8	7	0	1
643	97.5	6.6	7	0	1
1366	32.2	42.4	7	1	0
735	42.2	17.4	7	0	0
1584	235.4	6.7	7	1	1
3053	3.6	848.0	7	3	0
254	171.4	1.5	7	0	1
1865	2.2	847.9	7	1	0
627	35.4	17.7	7	0	0
939	34.6	27.1	7	0	0
5593	12.1	462.2	7	5	0
399	404.1	1.0	7	0	1
529	99.5	5.3	7	0	1
354	52.4	6.8	7	0	1
2024	52.6	38.5	7	2	0
6085	173.8	35.0	7	6	0
2506	24.7	101.4	7	2	0
1109	170.7	6.5	7	1	1
348	611.1	0.6	7	0	1
376	328.1	1.1	7	0	1
382	102.6	3.7	7	0	1
301	219.6	1.4	7	0	1

*Highland Scheme for the Establishment of Community Councils
Appendix 2*

Community Council	Total Community Council Membership
Glenfinnan	8
Glengarry	8
Inverlochry and Torlundy	8
Killearnan	7
Kilmallie	8
Kilmuir	8
Kiltearn	8
Kinlochleven	8
Knockbain	9
Kyle	7
Kyleakin and Kyclerhea	7
Lochalsh	8
Lochbroom	10
Lochcarron	8
Lochduich	8
Mallaig	7
Marybank, Scatwell and Strathconon	8
Maryburgh	8
Minginish	8
Morar	8
Morvern	8
Muir of Ord	10
Nether Lochaber	7
Plockton and District	7
Portree	9
Raasay	8
Resolis	7
Sconser	8

Total Population	Area (sq kms)	Population Density (Persons per sq km)	Core membership	Additional Member / 1000 population	Additional Member if pop. density < 9.1
124	187.4	0.7	7	0	1
378	521.7	0.7	7	0	1
1195	54.5	21.9	7	1	0
688	31.4	21.9	7	0	0
1819	165.5	11.0	7	1	0
374	64.2	5.8	7	0	1
1909	174.1	11.0	7	1	0
864	220.6	3.9	7	0	1
2334	47.3	49.4	7	2	0
751	7.7	97.6	7	0	0
383	41.1	9.3	7	0	0
262	29.1	9.0	7	0	1
2168	932.4	2.3	7	2	1
867	293.2	3.0	7	0	1
312	267.1	1.2	7	0	1
826	27.65	30	7	0	1
645	440.3	1.5	7	0	1
1381	22.3	61.9	7	1	0
521	264.0	2.0	7	0	1
283	211.0	1.3	7	0	1
374	330.1	1.1	7	0	1
3392	36.16	93.8	7	3	0
469	48.2	9.7	7	0	0
495	21.2	23.3	7	0	0
2770	129.3	21.4	7	2	0
232	73.1	3.2	7	0	1
811	50.9	15.9	7	0	0
63	45.4	1.4	7	0	1

*Highland Scheme for the Establishment of Community Councils
Appendix 2*

Community Council	Total Community Council Membership
Shieldaig	8
Skeabost	9
Sleat	8
Small Isles	8
South Knoydart	8
Spean Bridge, Roy Bridge and Achnacarry	9
Staffin	8
Strathpeffer	8
Stromeferry and Achmore	8
Struan	8
Sunart	8
Torridon and Kinlochewe	8
Uig	8
Waternish	8
Wester Loch Ewe	8
Western Ardnamurchan	8

Total Population	Area (sq kms)	Population Density (Persons per sq km)	Core membership	Additional Member / 1000 population	Additional Member if pop. density < 9.1
170	108.6	1.6	7	0	1
1148	177.8	6.5	7	1	1
933	172.3	5.4	7	0	1
131	155.9	0.8	7	0	1
132	250.86	0.53	7		1
1578	964.6	1.6	7	1	1
503	109.2	4.6	7	0	1
1686	182.7	9.2	7	1	0
138	29.7	4.7	7	0	1
250	111.9	2.2	7	0	1
408	210.4	1.9	7	0	1
364	653.5	0.6	7	0	1
413	59.3	7.0	7	0	1
288	66.5	4.3	7	0	1
437	150.6	2.9	7	0	1
349	164.8	2.1	7	0	1

Inverness, Nairn, Badenoch and Strathspey

Community Council	Total Community Council Membership
Ardersier and Petty	8
Auldearn	8
Aviemore	10
Ballifeary	8
Balloch	8
Beauly	8
Boat of Garten	7
Carrbridge	8
Cawdor And West Nairnshire	9
Cradlehall and Westhill	12
Cromdale and Advie	8
Crown and City Centre	13
Croy and Culloden Moor	8
Culcabock and Drakies	10
Culloden	9
Dalneigh and Columba	10
Dalwhinnie	8
Dores and Essich	8
Dalnain Bridge	8
East Nairnshire	8
Fort Augustus and Glenmoriston	9
Glen Urquhart	9
Grantown On Spey	9
Hilton, Milton and Castle Heather	12
Holm	9
Inshes and Milton of Leys	11

Total Population	Area (sq kms)	Population Density (Persons per sq km)	Core membership	Additional Member / 1000 population	Additional Member if pop. density < 9.1
1967	41.1	47.9	7	1	0
1086	34.1	31.8	7	1	0
3632	198.3	18.3	7	3	0
1279	1.6	799.2	7	1	0
1514	8.77	172.6	7	1	0
1442	4.07	354.3	7	1	0
670	32.4	20.7	7	0	0
778	154.2	5.0	7	0	1
1193	200.9	5.9	7	1	1
5616	10.17	552.2	7	5	0
532	165.7	3.2	7	0	1
6615	5.0	1323	7	6	0
1483	27.59	53.8	7	1	0
3426	1.4	2447.0	7	3	0
2806	2.93	957.7	7	2	0
3794	1.2	3161.4	7	3	0
100	136.9	0.7	7	0	1
345	71.5	4.8	7	0	1
474	64.3	7.4	7	0	1
588	173.7	3.4	7	0	1
1129	476.9	2.4	7	1	1
2219	230.7	9.6	7	2	0
2639	71.1	37.1	7	2	0
5671	1.2	4726.0	7	5	0
2080	2.7	770.5	7	2	0
4686	9.61	487.6	7	4	0

*Highland Scheme for the Establishment of Community Councils
Appendix 2*

Community Council	Total Community Council Membership
Inverness West	9
Kilmorack	7
Kiltarlity	8
Kincraig	8
Kingussie	9
Kirkhill and Bunchrew	8
Laggan	8
Lochardil	11
Merkinch	11
Muirtown	11
Nairn West and Suburban	11
Nairn River	12
Nethy Bridge	9
Newtonmore	9
Park	9
Raigmore	8
Slackbuie	8
Smithton	10
Strathdearn	8
Stratherrick and Foyers	8
Strathglass	8
Strathnairn	9

Total Population	Area (sq kms)	Population Density (Persons per sq km)	Core membership	Additional Member / 1000 population	Additional Member if pop. density < 9.1
2755	53.8	51.2	7	2	0
674	62.7	10.8	7	0	0
1491	103.3	14.4	7	1	0
716	437.0	1.6	7	0	1
1515	185.5	8.2	7	1	1
1843	48.6	37.9	7	1	0
295	525.1	0.6	7	0	1
4976	4.1	1213.6	7	4	0
4578	1.3	3521.4	7	4	0
4204	1.7	2472.9	7	4	0
4495	3.3	1362.1	7	4	0
5505	7.1	775.4	7	5	0
1068	240.0	4.4	7	1	1
1235	181.0	6.8	7	1	1
2431	0.5	4862.5	7	2	0
1386	1.0	1385.9	7	1	0
1980	7.87	251.6	7	1	0
3600	3.48	1034.5	7	3	0
618	427.6	1.4	7	0	1
780	382.3	2.0	7	0	1
564	680.7	0.8	7	0	1
1316	234.53	5.6	7	1	1

The Highland Council

Community Council Constitution

1. Name

- 1.1 The name of the COMMUNITY COUNCIL shall be (referred to as “the COMMUNITY COUNCIL” in this document).

2. Area of the Community Council

- 2.1 The area of the COMMUNITY COUNCIL shall be as shown on the map for
..... Community Council attached to The Highland Council’s Scheme for the Establishment of Community Councils, a copy of which is attached hereto.

3. Objectives

- 3.1 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 Highland Council to public authorities and other organisations;
 - c) to take such action in the interests of the community as appears 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

- 4.1 In the discharge of their functions and the conduct of their business, the COMMUNITY COUNCIL and its members shall have regard to their role and responsibilities as set out in section 3 of the Scheme for the Establishment of Community Councils, approved by The Highland Council and the Community Councillors’ Code of Conduct, hereinafter referred to as ‘the Scheme’ and ‘the Code of Conduct’ respectively.

5. Membership

5.1 The COMMUNITY COUNCIL'S membership is as governed by section 5 of the Scheme and set out in Appendix 2 of the Scheme.

6. Method of Election

6.1 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

7.1 Where a vacancy arises which does not result in the number of COMMUNITY COUNCILLORS falling below the minimum number as specified in section 6.2.6 of the Scheme, the COMMUNITY COUNCIL may, if it considers it to be desirable, agree to:-

a) fill the vacancy by co-option with voting rights to

up to their maximum permitted membership, as long as the number of co-opted members does not exceed 4, and half of all Community Councillors are elected.

~~a maximum of one third of the total membership of the Community Council~~

Taking into account the exclusion of co-opted members from this process as outlined in section 8 below.

OR

b) fill the vacancy by undertaking a postal ballot as per standard election procedure set out in section 6 of the Scheme for the Establishment of Community Councils. Any interim election however, other than when the number of Community Councillors falls below the minimum level specified, will be administered by the Community Council.

~~Should attempts a) and b) fail to fill the vacancy,~~

The vacancy can 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

8.1 The right to vote at any meeting of the COMMUNITY COUNCIL or any committee thereof, shall be held by all COMMUNITY COUNCILLORS whether elected, co-opted,

or youth member,

but not by Associate, or Ex-officio members. For the avoidance of doubt, co-opted

and youth

members while otherwise holding full voting rights will not be entitled to vote on co-option of members.

8.2 With the exception of circumstances which may arise:

- under the Scheme section 6.3 relating to Co-option;
- under the Constitution section 16 Alterations to the Constitution; and
- under the Constitution section 17 Dissolution;

all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those eligible to vote and present and voting.

8.3 In the event of a vote of the Community Councillors that results in a tie, the chairperson of the meeting shall have a second and casting vote, and the use of a casting vote will be recorded in the minute of the meeting.

9. Election of Office-Bearers

9.1 COMMUNITY COUNCIL office bearers will be elected following every election (full and interim). Office bearers will also be elected at every AGM. The COMMUNITY COUNCIL shall elect a Chair, Secretary, Treasurer and other such office-bearers as it shall from time to time decide. The COMMUNITY COUNCIL may choose to appoint a Minute Secretary or Associate Member as a Secretary however, such individuals shall have no voting rights. In these circumstances the COMMUNITY COUNCIL must elect a Vice Chair to ensure the COMMUNITY COUNCIL has three office bearers from its membership.

9.2 All office-bearers shall be elected for one year, but shall be eligible for re-election annually. A vote of no confidence can be held in an office bearer. The procedure for this is set out in the standing orders.

9.3 Without the express approval of The Highland Council, no one member shall hold more than one of the following offices at any one time: Chairperson, Secretary,

Treasurer.

10. Committees of the Community Council

- 10.1 The COMMUNITY COUNCIL may establish sub-committees and appoint Community Councillors and associate members to serve on these committees. The COMMUNITY COUNCIL shall determine the composition, terms of reference, duration, duties and powers of any sub-committee.

The decision to set up a subcommittee, its remit and any agreed decision making powers given to it must be agreed and recorded in the CC minute. A note of subcommittee decisions must be circulated at the following CC meeting.

While a person or persons not members and not eligible to be members of the Community Council may be appointed as having special expertise relevant to the purposes of the committee, such external member shall not have voting rights.

11. Meetings of the Community Council

- 11.1
- a) The quorum for COMMUNITY COUNCIL meetings shall be 4 voting members.
 - b) Once in each year, before the 30th June, the COMMUNITY COUNCIL shall convene an annual general meeting for the purpose of receiving and considering the Chairperson's annual report on the COMMUNITY COUNCIL, the submission and approval of the independently examined annual financial statement and the appointment of office bearers.
 - c) In addition to the annual general meeting, the COMMUNITY COUNCIL shall hold not less than 6 ordinary meeting throughout the year.
 - d) Dates, times and venues of regular meetings of the COMMUNITY COUNCIL shall be provisionally 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 7 days public notice, either called by the Chairperson, or on the written request of not less than one-half of the total number of COMMUNITY COUNCILLORS. The named officer of The Highland Council has the discretion to call a special 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 (excluding minutes of the Annual General Meeting), but the draft minute shall be circulated normally within 14 days from the date of that meeting, to COMMUNITY COUNCIL members and Highland Council's named officer for the COMMUNITY COUNCIL.

- f) The COMMUNITY COUNCIL shall abide by the Standing Orders for the proper conduct of its meetings. Individual Community Councillors shall abide by the Code of Conduct for Community Councillors set out in Appendix 5 of the Scheme.
- g) The COMMUNITY COUNCIL has a duty to be responsive to the community it represents. Should the COMMUNITY COUNCIL receive a written request (petition), signed by at least 20 persons resident and eligible to vote 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 within 14 days of receipt of such a request and advertise it locally in the manner prescribed for special meetings called by the COMMUNITY COUNCIL.
- h) In exceptional circumstances, and in accordance with

sections 1.1 and 9.1 of the Standing Orders, the COMMUNITY COUNCIL may suspend Standing Orders and discuss items of business in private. A motion to meet in private may be agreed by the Community Council either at its previous meeting or immediately prior to an item being taken. Any such motion requires three-quarters of the total COMMUNITY COUNCILLORS to be present and at least two-thirds of the Community councillors present consenting to the motion.

~~The decision to meet in private will be agreed by majority vote of the Community Council either at its previous meeting or immediately prior to the item being taken.~~

The reason to meet in private must be recorded in the minutes of the meeting at which the decision to take the matter in private was made. If a decision to take an item in private is made at the previous meeting of the Community Council, the notice of such a meeting, given to the public in the usual way; will record that an item or items are to be taken in private. Minutes of the discussion and decisions shall be taken and recorded in a manner which does

not compromise the private material.

12. Public Participation in the Work of the Community Council

- 12.1 a) All meetings of the COMMUNITY COUNCIL and its committees (subject to 11.1 (h), above) shall be open to members of the public. Every effort should be made to ensure proper accessible provision for the accommodation of members of the public.
- b) 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.
- c) Notices calling meetings of the COMMUNITY COUNCIL and its committees shall be posted prominently within the COMMUNITY COUNCIL area, and on its website
- /social media presence*
- where appropriate, for a minimum period of 7 days before the date of any such meeting, and, where possible, be advertised by other suitable means.

13. Information to The Highland Council

- 13.1 The Community Council Secretary shall, as soon as the following documents become available, send to the named Highland Council officer:
- 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 and agendas 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 Highland Council. When special meetings of the COMMUNITY COUNCIL are to be held, the named Highland Council officer should be advised of the date, time venue and subject(s) of debate of such meetings, at least 7 days in advance of the meeting date.

14. Control of Finance

- 14.1 a) All monies raised by or on behalf of the COMMUNITY COUNCIL or provided by The Highland Council and other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by The Highland Council in the annual Administrative Grant for administrative and other approved purposes shall be used only as prescribed in the conditions of grant. Funds raised from other sources may be used in accordance with the terms of those funds (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 COMMUNITY COUNCIL shall open a bank account in the name of the Community Council.
- c) The Treasurer shall undertake to maintain proper financial records of the finances of the Community Council as per the standard financial templates provided.

The Treasurer shall also provide a written financial statement, including the current balance, to each Community Council meeting.

- d) Any two of three authorised signatories, who would normally be office-bearers of the Community Council, must authorise by signature financial transactions on behalf of the COMMUNITY COUNCIL. Authorised signatories may not be members of the same household.
- e) A financial report, in the style set out

by The Highland Council, in Appendix 6

- shall be submitted to an annual general meeting of the COMMUNITY COUNCIL for the preceding financial year, being circulated with the agenda for that meeting and shall be available for inspection at a convenient location 7 days prior to the meeting. The report shall be independently examined and certified by at least one examiner appointed by the COMMUNITY COUNCIL, who is not a member of this COMMUNITY COUNCIL and has no personal or professional relationship with the Treasurer,
- f) The financial year of the COMMUNITY COUNCIL shall be from 1st April each year until 31st March the succeeding year. The certified financial statement as

received and approved by the COMMUNITY COUNCIL at the annual general meeting shall be submitted to the named Highland Council officer following approval at the Community Council's annual general meeting.

- g) In election year, all Community Councils are required to ensure their accounts are up to date and a mid-year balance is taken prior to the election.

15. Title to Property

- 15.1 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 as Trustees of the Community Council.

16. Alterations to the Constitution

- 16.1 Any proposal by the COMMUNITY COUNCIL to alter this Constitution must be first considered by a special meeting of the COMMUNITY COUNCIL and the terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be published not less than ten days prior to the meeting. Any proposed alterations may not prejudice the terms and objectives contained within the Scheme.
- 16.2 If the proposal is supported by two-thirds of the total voting membership of the COMMUNITY COUNCIL, and is subsequently approved in writing by The Highland Council, the alteration shall be deemed to have been duly authorised and can then come into immediate effect. For the avoidance of doubt unless and until the proposed alteration is approved in writing by The Highland Council, the proposed alteration shall be of no effect.

17. Dissolution

- 17.1 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. Not less than ten days prior to the date of such a meeting a public notice will be published in the Community Council area giving intention of the proposal to dissolve. If the resolution is supported by a majority of those persons present and qualified to vote

and is subsequently approved by The Highland Council, the COMMUNITY COUNCIL shall be deemed to be dissolved and all assets remaining, subject to the approval of The Highland Council, after the satisfaction of any proper debts or liabilities shall transfer to The Highland Council who shall hold same in Trust for a future COMMUNITY COUNCIL representing that area. Upon transfer, and the submission of a satisfactory certified financial report, the potential liabilities of members and officers of the former Community Council are extinguished.

17.2 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 Highland Council 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 this Scheme.

17.3 Where for any reason, the number of COMMUNITY COUNCILLORS falls below **HALF** the maximum permitted membership specified in the Scheme The Highland Council may, by suspending the Constitution of the COMMUNITY COUNCIL, cause the COMMUNITY COUNCIL to be dissolved and in this event, the procedures for the establishment of a new COMMUNITY COUNCIL in 17.2, shall apply for the establishment of a new Community Council.

18. Approval and adoption of the Constitution

This Constitution was adopted by COMMUNITY COUNCIL, on _____

_____	Signed:	Chairman
_____		Member
_____		Member
_____		Date

and was approved on behalf of The Highland Council on: _____

Signed

Designation

Date

The Highland Council

Community Council Standing Orders

1. Meetings

1.1 Except where a decision is taken in accordance with section 11.1(h) of the Constitution of a Community Council in relation to specific items of business, all ordinary meetings of the Community Council shall be held in public.

1.2 **Ordinary** meetings of the COMMUNITY COUNCIL shall be held in the months of [to be entered, minimum of 6 per year].

Special Meetings may be called at any time:

- by the Chair of the Community Council;
- on the written request of not less than one-half of the total number of COMMUNITY COUNCILLORS;
- or the receipt of a common written request (petition), signed by at least 20 persons, resident within the COMMUNITY COUNCIL area and eligible to vote, to convene a special meeting for a particular matter or matters to be debated such matter or matters to be specified in accordance with section 11.1 (g) of the Community Council's constitution.

The named officer of The Highland Council has the discretion to call a special meeting of the COMMUNITY COUNCIL.

A special meeting shall be held within 14 days of the receipt of the written request made to the Secretary of the COMMUNITY COUNCIL.

An **Annual General Meeting** will be held annually between 1st April and 30th June.

1.3 The notice of ordinary, annual general and special meetings of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided to each COMMUNITY COUNCIL member and Highland Council's named officer by the Secretary of the COMMUNITY COUNCIL, at least 7 days before the date fixed for the

meeting.

2. Minutes

- 2.1 Draft minutes of the proceedings of all meetings of the COMMUNITY COUNCIL shall be drawn up normally within fourteen days from the date of that meeting, distributed in accordance with Section 8 paragraph 8.3 of the Scheme 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. This excludes minutes pertaining to the Annual General meeting.

3. Quorum

- 3.1 Quorum shall be 4 voting members of the Community Council for every meeting of the Community Council.
- 3.2 In order to minimise the risk of a meeting becoming inquorate members who require to declare an interest in any item of the agenda should give notice to one of the Office Bearers.

4. Order of Business

4.1 Ordinary Meeting

The order of business at every Ordinary Meeting of the COMMUNITY COUNCIL shall be as follows: -

- a) Recording of membership present, apologies received

and any declarations of interests.

- b) The minutes of the previous ordinary meeting of the COMMUNITY COUNCIL shall be submitted for approval.
- c) Written Financial report from the Treasurer
- d) Any other item of business, which the Chairperson has directed, should be considered.
- e) Any other competent business.
- f) Questions or contributions from the public present

- g) Chairperson to declare date of next meeting and close meeting.

At the first meeting of the COMMUNITY COUNCIL after elections in the year when elections are held, the COMMUNITY COUNCIL shall elect a Chair, Secretary, Treasurer.

At this first meeting, consideration should be given whether to grant associate membership to key groups within the community, such as parent councils, development trusts etc., to broaden membership and strengthen links within the community.

4.2.1 Annual General Meeting

The order of business at every Annual General Meeting of the COMMUNITY COUNCIL shall be as follows: -

- a) Recording of Community Council membership present, apologies received
and any declarations of interests.
- b) The minutes of the previous Annual General Meeting of the COMMUNITY COUNCIL shall be submitted for adoption.
- c) Chairperson's Annual Report (and questions from the floor).
- d) Treasurer's submission of the Financial Statement duly independently examined and certified correct (and questions from the floor). Formal adoption of the Financial Statement should be proposed and seconded.
- e) Demit of current office bearers and election of office bearers. The Community Council may, at any time, vote to make changes to their office bearers.
- f) Chairperson to declare provisional date of next annual general meeting and close meeting.

4.2.2 An Ordinary meeting of the Community Council may follow directly on from an AGM.

4.3 Special Meeting

The order of business at every Special Meeting of the COMMUNITY COUNCIL shall be as follows: -

- a) Recording of Community Council membership present, apologies received

and any declarations of interests.

- b) Business for debate, as described in the written request for the Special meeting.
- c) Chairperson to close meeting.

4.4 All Meetings

At the direction of the Chairperson, with the consent of the meeting:

- a) An item on the agenda may be taken out of order;
- b) An item not on the agenda may be considered in an emergency, provided any decision reached shall require to be retrospectively approved at the next Community Council meeting.

5. Order of Debate

- 5.1 The Chairperson shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and her/his 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 or contributions from the public in attendance at meetings of the COMMUNITY COUNCIL raised at 4, 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.
- 5.2 Every motion or amendment shall be moved and seconded.
- 5.3 A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- 5.4 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

6.1 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 should the Community Council agree this approach.

6.2 The Chairperson of a meeting of the COMMUNITY COUNCIL shall have a second and casting vote in the event of a tie during voting.

6.3 A Community Councillor may have his or her dissent recorded to a decision of the Community Council provided that he or she has moved a Motion or Amendment and failed to find a seconder or else has taken part in a vote provided that such member asks immediately after the item is disposed of that such dissent be recorded.

6.4 A COMMUNITY COUNCIL may hold a vote of no confidence in its office bearers. An office bearer may be removed from office before the date of the next election of the COMMUNITY COUNCIL or AGM, provided that a majority of the Members of the COMMUNITY COUNCIL present and voting so decide. No proposal to remove an office bearer of the COMMUNITY COUNCIL from office shall be made without notice being given at one meeting of the COMMUNITY COUNCIL to be discussed at the following one. Once taken, a vote of no confidence shall not be competent again within six months of that decision.

7. Alteration of Standing Orders

7.1 A proposal to alter these Standing Orders may be proposed to The Highland Council 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 Highland Council shall have final discretion on any proposed change.

8. Committees

8.1 The COMMUNITY COUNCIL may establish sub-committees and appoint Community

Councillors to serve on these committees. The COMMUNITY COUNCIL shall determine the composition, terms of reference, duration, duties and powers of any sub-committee.

The decision to set up a subcommittee, its remit and any agreed decision making powers given to it must be agreed and recorded in the CC minute. A note of subcommittee decisions must be circulated at the following CC meeting.

9. Suspension of Standing Orders

- 9.1 These Standing Orders shall not be suspended except at a meeting at which at least three-quarters of the total number of COMMUNITY COUNCILLORS are present and then only if the mover states, and if called upon by the Chairperson submits in writing, the object of his/her motion and if at least two-thirds of the COMMUNITY COUNCILLORS present consent to such suspension.

10. Code of Conduct

- 10.1 All Community Councillors will pay due regard to the provisions of the Code of Conduct for Community Councillors to be found at Appendix 5 of the Scheme.
-

The Highland Council Scheme of Establishment for Community Councils

Code of Conduct For Community Councillors

Background

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, shall apply to all Community Councillors and those representing the Community Council wherever and whenever they are acting in an official capacity as Community Councillors. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Details of the requirements under these principles are set out in Section two. Section one of the Code sets out Community Councillors' responsibilities in relation to Declaration of Interests.

SECTION ONE

Declaration of Interests

General

The key principles of the Code, especially those that specify integrity, honesty and openness, are given further practical effect by the requirement for you to declare interests at meetings which you attend. The rules on declaration of interest are intended to produce transparency in regard to interests which might influence, or be thought to influence, your actions as a community councillor.

“Interests” includes your financial interests, your non-financial interests and the interests, financial and non financial of other persons who are related to you or connected to you by means of close friendship, an employer/employee relationship or similar.

In the event that you have an “interest” as defined above in any matter, which could give rise to any person reasonably believing that you have a conflict of interest in that matter, you should declare that interest at the earliest stage possible. Where the interest is financial, you should withdraw from the meeting until discussion of the matter has concluded. Where that interest is non financial, you must make a decision as to whether to participate in the discussion. You must consider the relationship between the interest which has been declared and the particular matter to be considered.

It is your responsibility to make decisions about whether you have to declare an interest or make a judgement as to whether a declared interest prevents you from taking part in any discussions or voting. You are in the best position to assess your personal circumstances and to judge how these circumstances affect your role as a community councillor in regard to a particular matter.

In making decisions for which you are personally responsible, you are advised to err on the side of caution. You may feel able to state truthfully that an interest would no influence your role as a Community Councillor in discussion or decision making but you must also keep in mind that the test to be applied is whether a member of the public, acting reasonably, would think that a particular interest in relation to any matter being considered by the Community Council could influence your role as a Community Councillor.

Planning Matters

Community Councils will be consulted on the submission of Planning applications for proposed developments that are categorised as being of national or major scale or of significance to the community. Community Councillors may also be invited to attend events held by applicants to inform members of the community about the development proposed prior to submission of a planning application. In dealing with interested parties in relation to planning applications, Community Councillors must pay particular regard to the principles set out in this Code.

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

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

If you have an interest, whether financial, non-financial, or personal, in the outcome of a decision on a planning application to be considered at a Community Council meeting, you must declare that interest and refrain from taking part in making the decision.

When making a planning application for your own property or acting on behalf of an applicant, you must not take any further part in the decision making process following submission of the planning application.

As part of your role in planning applications, you are obliged to recognise planning legislation and recognise that The Highland Council is bound to act under the terms of this legislation.

Liquor Licensing

This is similar to Planning and the Community Council will be notified of all new premises and major variation applications

If you have an interest, whether financial, non-financial, or personal, in the outcome of a decision on a licensing application to be considered at a Community Council meeting, you must declare that interest and refrain from taking part in making the decision.

When making a licensing application for your own property or acting on behalf of an applicant, you must not take any further part in the decision making process following submission of the application.

As part of your role in licensing applications, you are obliged to recognise the relevant legislation and recognise that the Highland Licensing Board is bound to act under the terms of this legislation.

SECTION TWO

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, as set out by The Highland Council under the terms of the Local Government (Scotland) Act 1973 and 1994.

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

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

Selflessness

You have a duty to 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.

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.

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.

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.

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

Accountability and Stewardship

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

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

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in The Highland Council's Scheme for the Establishment of Community Councils. They 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 recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.

Any breach of the Council's Scheme may be reported to The Highland Council to determine what action, if necessary, should be taken.

Openness

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

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

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times, this includes acting within planning legislation. 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.

Leadership

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

You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves. Where 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.

Respect

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

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

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

