

Agenda Item	<b>3</b>
Report No	<b>HC/40/24</b>

# The Highland Council

**Committee:** The Highland Council

**Date:** 12 December 2024

**Report Title:** **Review of the Highland Scheme of Establishment for Community Councils 2024/25**

**Report By:** Chief Officer – Housing and Communities

## 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. This paper sets out the process for review and the initial engagement which has been undertaken between September and November 2024 with Community Councils to help inform the review.

1.2 In line with the requirements contained within the Local Government (Scotland) Act 1973, the paper asks Members to agree to a formal review of the Scheme and sets out a series of draft proposals to amend the Scheme which will then be published for public consultation. The draft proposals are based on the feedback from Community Councils during the initial phase of engagement.

1.3 Following the phase 1 consultation, Members will have an opportunity to review the feedback and make amendments to the draft proposals prior to a final period of public consultation. Members will be asked to agree final changes to the Scheme at a Special Meeting of the Council in September 2025.

## 2. Recommendations

2.1 Members are asked to:

- Agree to the formal review of the Highland Scheme of Establishment for Community Councils as required under section 53 of the Local Government (Scotland) Act 1973;
- Agree to the draft proposals outlined in Section 6 of the report and in appendices 1-3;
- Note that a three-month consultation will take place seeking public views on the draft proposals and seeking further representations for amendments to the Scheme; starting in January 2025;
- Note that a report outlining the feedback and proposed amendments will come forward to the May Council meeting.

### **3. Implications**

- 3.1 Resource - The current Scheme is being reviewed within existing resources. Community Council are supported through the Community Support and Engagement Team and through annual grants, the total budget for Highland is £89,000.
- 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.
- 3.4 Risk - The Council is limited to operating within the parameters of the Local Government Act. It is therefore possible that suggestions may come forward as part of the review that the Council are unable to implement.
- 3.5 Health and Safety (risks arising from changes to plant, equipment, process, or people) - There are no direct implications as a result of this report.
- 3.6 Gaelic - There are no direct implications as a result of this report.

### **4. Impacts**

- 4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.
- 4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.
- 4.3 An Integrated Impact Assessment screening will be ongoing during the Review process. The outcome of the assessment will form part of the final Report to agree changes to the Scheme, at a Special Meeting of the Council in September 2025.
- 4.3.2 The initial screening process has indicated that there could be the potential for a positive impact on young people, should youth membership be increased. No impacts on other protected characteristics are expected, as the scheme sets out clear guidance for Community Councils to ensure that their responsibilities and activities are carried out in accordance with equal opportunities legislation. The review also provides potential opportunity for the wider community to have a voice in influencing the role of Community Councils. At this stage there are not expected to be negative impacts for any of the Assessment Areas.

## 5. Background

- 5.1 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 the most recent review in 2019.
- 5.2 The current Scheme commits the Council to a review within each Local Government cycle. The elements the Scheme review is focusing on are within the current legislative framework and within the Council's own power to amend or introduce.
- 5.3 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, needs 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.
- 5.4 Should the Council decide to amend the proposals following representations received during stage 1, then a further period of public notice (public consultation) shall take place, to provide an opportunity for the public to comment on the amended proposals. Based on previous experience, a second period of public consultation is expected.
- 5.5 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. At present, it is predicted this will take place prior to the Council meeting in September.
- 5.6 To ensure that the proposals considered by Members at the Special Council meeting are reflective of what Community Councils would identify as priorities, a pre-phase of engagement began in September 2024. This included:
- A survey to all Community Councils between September and November
  - Discussions on potential boundary or Scheme changes with Members in Area Business Meetings
- 5.7 This report sets out the feedback received during the initial phase of engagement and the draft proposals which have developed as a result of this feedback. Members are

asked today to formally agree to the review – as required under the 1973 Local Government Act – and to consider and agree to a set of proposals for formal public consultation.

## **6. Initial Engagement**

6.1 The pre-phase of engagement focused on two key areas

- Reviewing the boundaries
- Reviewing the Scheme – including role, elections, membership, code of conduct and funding

6.2 Feedback was received through the two strands of engagement:

- Community Council Survey
  - 93 separate responses were received covering 47 Community Councils – 46 from individual Community Councillors, 29 on behalf of the Community Councils and 18 anonymous
- Members through discussions held in Area Business Meetings.

6.3 A summary of the feedback and accompanying proposals for change can be found for each topic below. Members are being asked to consider the proposals, make any amendment and agree a final set of proposals for public consultation. The consultation will seek views on these proposals but there will be opportunity for the public to suggest any further amendments or changes to the Scheme. For each proposal, it is noted where in the accompanying Scheme document (**appendix 1**) the proposed change can be found.

## **7. Reviewing the Boundaries**

7.1 Any review of the Scheme provides the opportunity to review the boundaries of Community Councils and to consider whether these still make sense given changes in population. However, it is also an opportunity to consider the sustainability of Community Councils. Since the full Community Council elections in November 2019, there has been an average of 25 Community Councils per year where membership has fallen below the required levels and therefore require an interim election. One of the key questions posed to Community Councils during the initial phase of engagement was whether a change in structure/boundary could assist in helping to support the operation of their Community Council.

7.2 The majority of Community Councils were content with the size and boundaries of their Community Councils. It was noted that they represented natural communities, that they would struggle to attract members if they were any larger and that for a number, they already cover a large, dispersed population. The majority responding noted that they do not struggle with trying to attract membership and for those who did, they did not believe that mergers or boundary changes would help.

7.3 There were a small number of representations received regarding boundaries. In the main these are small amendments to align geographies or settlements, although there has been a proposal received to create one new Community Council and merge two others into one.

7.4 Proposal 1 – Boundary Changes

**Appendix 2** sets out the boundary changes proposed as part of this review of the Scheme, including the rationale for the proposed changes. If approved for consultation, maps illustrating these changes will be shared on the Council's website at [www.highland.gov.uk/schemereview](http://www.highland.gov.uk/schemereview). For the purpose of public consultation, these proposed amendments are contained within the Scheme document at section 4.1.

7.5 Community Council boundaries cannot be changed without consultation and so Members are being asked to agree today that these go forward for public consultation. This period of consultation would also allow for any further boundary proposals to be received.

## 8. **Reviewing the Scheme**

8.1 The initial engagement focused on 5 aspects of the Scheme which we have received comments or representations on from Community Councils in recent years. These were:

- Membership
- Elections
- Code of Conduct/Complaints Procedure
- Finance
- Role of Community Councils

8.2 **Membership**

*Membership levels*

83% of survey respondents reported that their membership number – the size of their Community Council – was 'about right'. There was no desire to reduce or increase the number further. Only a small number felt that the number was too low and had reduced involvement in the Community Council. Accordingly, there are no proposals to amend the membership size of Community Councils.

8.3 *Youth Membership*

There was strong support for formalising youth membership through the 2019 review, and it was agreed to allow the appointment of two such members between the ages of 16-18. This review asked whether the number of youth members should be increased, with 75% of survey respondents answering no. Some of the respondents indicated that they were having difficulty in recruiting to the existing two places. However, through assessing for impact through the Integrated Impact Assessment process, and from some representations made, there is a view that increasing the Youth Membership should be considered.

#### 8.4 Proposal 2 – Youth Membership

It is therefore proposed to amend the Scheme to allow a total of 3 additional places for 16-18 year olds. They will have full voting rights, with the exception of co-option, and will not count towards the total established membership of the Community Council. Individuals can be identified through The Highland Council Youth Work Service and the local High School and individuals can serve for up to two years. These places will be optional for Community Councils. (Scheme 5.7)

#### 8.5 *Maximum Term of Office*

A number of representations were made regarding there being a maximum term of office for all Community Councillors, and it has been suggested that this might encourage more members of the community to become involved. The Council does not currently have the power to limit an individual from standing to a Community Council and it is expected this would require a legislative change. Accordingly, there are no proposals to amend the Term of Office.

#### 8.6 *Revised Associate Membership*

Support was submitted through the initial review for introducing a new category of provisional membership. This would be for those who are eligible to stand for the Community Council, and who have expressed an interest in becoming a member but there are no membership spaces available. They would have no voting rights but would be able to fully participate in all other aspects of the Community Council. The aim was to encourage and enable interested individuals to still participate.

#### 8.7 Proposal 3 – Associate Membership

Currently, associate members can be appointed to the Community Council for a specific piece of work or activity. It is therefore proposed to amend the Scheme to include the following additional wording under Associate Members: *this may include those who are eligible to stand for the Community Council, who have expressed an interest in becoming a member but there are no membership spaces available. They would be an associate member until the next election, or, for up to a maximum of one year, whichever is the earlier.* (Scheme 5.5)

#### 8.8 *CC Membership Data*

**Appendix 2** of the scheme will be updated to reflect the new population figures following the 2022 census.

#### 8.9 Elections

##### Proposal 4 - Nominations for Community Council Elections

81% of respondents indicated that they would be in favour of all candidates submitting a brief statement of who they are and why they want to become a community councillor. It is therefore proposed to include a brief candidate statement on all nomination forms. (Scheme 6.2.1)

8.10 *Dissolved Community Councils*

Nine Community Councils failed to form at the full election in November 2023 and the following interim election held in 2024 and are now currently dissolved. Currently, to re-establish any of these community councils would require twenty or more electors to submit a requisition to The Highland Council in accordance with Section 52(7) of the Local Government Act 1973.

8.11 Proposal 5 – Invitation to Merge

Through the survey, 33% of respondents indicated that if a Community Council dissolved, a neighbouring Community Council could be approached to consider merging with it. If there is clear support from the communities involved, Members would be asked to consider any merger at an Area Committee in accordance with the Scheme of Delegation. Accordingly, it is being proposed to include this within the consultation for the new Scheme of Establishment. (scheme 13.3)

8.12 Currently, should a Community Council be required to go into abeyance because of the elected Community Councillors falling below half of the maximum permitted membership, those elected Community Councillors who remain would automatically be considered as elected members at the next interim election.

8.13 Proposal 6 – Dissolution of Community Council

To address some of the concerns that were raised around this, the survey asked to consider the dissolution of Community Councils whose elected membership drops to two or below. This would mean any interim election would be undertaken for all places on a Community Council. 75% agreed with this and it is therefore proposed to include this within the new Scheme of Establishment. (scheme 6.2.6)

8.14 Proposal 7 - Co-option to Community Councils

Community Councils should pro-actively promote the number of possible Co-opted spaces they have available to achieve the maximum membership (Scheme 6.3)

8.15 **Code of Conduct/Complaints**

Following the 2019 review, a complaints procedure - [Making a Complaint | Community Councils | The Highland Council](#) - was introduced. Guidance was provided to enable Community Councils to put a complaint handling process in place that would consider any complaints in relation to the Scheme of Establishment. As independent bodies not controlled by the Highland Council, the process requires any complaint to be made direct to the Community Council for them to address. Should the complainant remain dissatisfied with the outcome they can then raise the issue with the relevant Community Development Manager, who can provide support and guidance to the Community Council and the complainant.

8.16 Several responses were received in relation to the Code of Conduct and the complaints process indicating that consideration should be given to introducing sanctions, if there is a breach of the Code of Conduct and/or Complaints process. Given that this is not within the current legislative framework, it is recommended that

this could be considered by the Council within any future response to a Local Governance Review.

8.17 **Finance**

The current Scheme states that the grant shall be a core amount, with an additional amount for Community Councils serving rural communities. There is no proposal to change this. As with the current Scheme, the amounts would not be specified in the new scheme and there would be further engagement with Community Councils on what the balance on this may be once the current review is complete. (Scheme 9.6)

8.18 During the consultation most of the Community Councils indicated that they are operating with a balanced budget, with just over half indicating that they didn't think a defined list of what the administrative grant should be spent on was required, with approximately 90% responding to what their core costs are and just under 50% identifying a saving by using more online meetings.

8.19 As a few Community Councils have not been claiming their annual administrative grant it is proposed to include additional information at 9.1 in the scheme as to why the certified financial report should be submitted to the Council.

8.20 **Role of Community Councils**

The formal role of Community Councils is set out within the 1973 Local Government (Scotland) Act. This states that in addition to any other purpose the Community Council wishes to pursue, it is the role of Community Councils to 'ascertain, co-ordinate and express...the views of the community which it represents.' This definition has not been changed since then and the Council has no formal powers to amend this, however communities have changed, are doing more and Community Councils are now taking on a range of roles. It is therefore important to understand whether Community Councils believe change is needed and how their role should be articulated.

8.21 A range of questions were included in the survey that allowed Community Councils to express their views around the role and responsibilities that they undertake and the type of support and guidance that they are looking for from the Council. Over 90% of respondents indicated that they would welcome an annual support and guidance pack from the Council covering a range of topics including financial templates for the certified financial report, guidance on using Social Media, Equality Awareness, Data Protection and Record Retention. Officers will proceed with developing this and sections 3.2, 3.3, 3.4 and 9.7 in the scheme will reference the development of an annual support and guidance pack.

8.22 **General**

A range of general comments and also specifically comments related to encouraging greater community involvement were made by Community Councils as part of the pre-engagement. These are detailed in **appendix 4**. In addition, a number of general proposals to the Scheme are set out below.



8.23 Proposal 8 – Generic Email Address

To ensure that the Community Council is accessible by the wider community, subject to the provisions contained within Data Protection Legislation, they will make available generic Community Council and Office Bearer email addresses for publication. (Scheme 3.2) The scheme at 8.1, 8.3, the Constitution at 11.1e, 13.1, 14.1f and standing orders at 1.3 will include the generic email address for the 3 Area Community Council support teams.

8.24 *Disqualification of Membership*

Currently 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. The survey has indicated that Community Councils do not want to reduce this period to 3 consecutive meetings.

8.25 Proposal 9 – Disqualification Right of Appeal

It is proposed that any member disqualified will have a right to appeal the decision to disqualify them, with the appeal to be considered by the Community Council. The majority decision of those present and eligible to vote will be binding. (scheme 11.2)

8.26 Proposal 10 – Approved Minutes

In addition to submitting a copy of the draft minutes Community Councils will also be expected to submit a copy of the approved minutes. (constitution 13.1)

8.27 Proposal 11 – Approval of Constitution

The constitution should be adopted by the Community Council at the inaugural meeting of each new Community Council election term and noted in the minute of that meeting. (constitution 18)

**9. Next Steps**

9.1 Members are being asked to agree to the draft proposals outlined in sections 7 and 8 and in appendices 1-3 for public consultation. This consultation will last for three months and commence in January 2025.

9.2 Community Councils and members of the public will have the opportunity to comment and submit representations on the draft proposals and also submit any further amendments to the Scheme, on both boundaries and the Scheme documentation. The feedback will be reviewed by the Community Support and Engagement Team and any proposed changes will be considered at the May meeting of the Council, prior to a final period of public consultation on the amendments.

9.3 Members will be asked to agree to a revised Scheme at a Special Meeting of the Council in the September 2025. The new Scheme is proposed to commence from September 2025, following final agreement of a revised Scheme by the Council.

Designation: Chief Officer – Housing and Communities

Date: 25 November 2025

Author: Willie MacKinnon, Community Development Manager, West and Mid

Background Papers: [Current Community Council Scheme of Establishment](#)

Appendices: Appendix 1 – 2024-25 Review Highland Scheme of Establishment for  
Community Councils – Consultation Version

Appendix 2 – 2024-25 Review Boundary Proposals

Appendix 3 – 2024-25 Scheme Review – Proposed General Scheme  
Amendments

*Appendix 4 - General Comments to Pre-Engagement Pha*



## **PREFACE - COMMUNITY COUNCILS IN HIGHLAND**

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)

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



## **Scheme for the Establishment of Community Councils in Highland**

**Consultation DRAFT January 2025**

### **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.
  
- 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.

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).

**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 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.

***A copy of the financial templates will be included in the annual support and guidance pack that will be circulated to 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.

***Guidance on the do's and don'ts of Social Media will be included in the annual support and guidance pack that will be circulated to Community Councils.***

**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. ***generic Community Council and Office Bearer email addresses for publication.***

### 3.3 Equality

Communities Councils must ensure that responsibilities and activities are carried out in accordance with equal opportunities legislation. The **Equality Act 2010** 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.

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.

***A link to equality awareness will be included in the annual support and guidance pack that will be circulated to Community Councils.***

#### 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.

***A link to the complaints handling process will be included in the annual support and guidance pack that will be circulated to Community Councils. It should also be noted that the Highland Council has no legal power to remove a Community Councillor out with the Scheme guidance***

#### **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.

***As part of the 2024/25 Scheme review, the following proposed amendments are made to existing boundaries. Maps illustrating these changes will be found at [www.highland.gov.uk/schemereview](http://www.highland.gov.uk/schemereview) Any changes to boundaries agreed as part of the Review consultation will be reflected in the maps which accompany the Scheme.***

<b>Community Council:</b>	<b>Boundary Proposal:</b>
<b>Garve &amp; District</b>	<p>Strathvaich and Garbat Forest are part of Garve, however, they are in the Strathpeffer CC area. This should be updated to align with current residents use of the land.</p> <p>Small amendments to align geographies or settlements</p>
<b>Conon Bridge</b>	<p>North to Middle point of River Conon, including Garrie Island. South and South West, taking in that part of Ferintosh Parish, currently in Ferintosh CC Area - all west of the A835.</p> <p>Move boundary to middle of river conon, including Garrie Island; Extend Boundary to south and west taking in Bishop Kinkell and Conan Woods</p> <p>Small amendments to align geographies or settlements</p>

*Highland Scheme for the Establishment of Community Councils*

<p><b>Glengarry</b></p>	<p>The current boundary of GCC is mostly Ward 11 but has small areas in Wards 5 and 12. This can be confusing for planning issues. Consideration could be given (either smaller or larger) to ensure boundaries are coterminous with electoral (or other suitable) boundaries.</p> <p>An alternative would be for the Glengarry CC boundary to become coterminous with the ward boundary at Loch Loyne 500 meters south west of Paitnagreen. This would leave Kinlochourn and Kinlochourn Forest etc in W5 and would move these areas in to the Glenelg and Arnisdale CC. Additional land (few residents) would go into the Lochduich CC area.</p> <p>Small amendments to align geographies or settlements</p>
<p><b>Thurso</b></p>	<p>Should Thurso CC boundary be changed to include either West Gill only or West Gill and Scrabster.</p> <p>Small amendments to align geographies or settlements</p>
<p><b>Strathnairn &amp; Nairnside</b></p>	<p>Strathnairn &amp; Nairnside boundary needs looked at again.</p> <p>Small amendments to align geographies or settlements</p>
<p><b>Tornagrain</b></p>	<p>Tornagrain needs its own CC.</p> <p>Creation of new Community Council</p>
<p><b>Smithton &amp; Culloden West</b></p>	<p>Could Smithton also include Culloden West</p> <p>Small amendments to align geographies or settlements</p>
<p><b>Contin</b></p>	<p>Jamestown more obviously belongs to Strathpeffer, and has things in common with Garve and MSS.</p> <p>Small amendments to align geographies or settlements</p>
<p><b>Holm</b></p>	<p>consideration should be given again to HCC taking in Essich Meadows, from Dores and Essich CC</p> <p>Small amendments to align geographies or settlements</p>
<p><b>Nairn West and Suburban Nairn River</b></p>	<p>Combine Nairn West and Suburban, and Nairn River into one Community Council for Nairn</p> <p>Community Council merger</p>
<p><b>Cawdor and West Nairnshire</b></p>	<p>Clarity needed on official boundaries of the area Cawdor Croy boundary needs looked at since new housing</p> <p>Small amendments to align geographies or settlements</p>

*Highland Scheme for the Establishment of Community Councils*

<b>East Nairnshire CC</b>	<p>There is no CC operating in East Nairnshire. Proposal to extend boundaries of both Auldearn and Cawdor and West Nairnshire Community Council to allow the residents within the East Nairnshire CC have a CC with their area. Suggestion that the A939 road is used as the boundary between both CCs.</p> <p>Community Council merger</p>
<b>Ballifeary CC</b>	<p>Currently no CC operating within the CC area. Suggestion made to look at potential boundary change with Dalneigh and Columba CC expanding into the Ballifeary area</p> <p>Community Council merger</p>
<b>Muirtown CC</b>	<p>Currently no CC operating. Request made by Inverness West to merge with Muirtown CC and there is a clear connection between the two areas. This will allow stronger group membership.</p> <p>Community Council merger</p>

## **5. Membership of Community Councils**

5.1 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.

***The population estimates need to be updated in line with the 2022 census***

- 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 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 for the particular Community Council area;

***this includes Co-opted Members.***

- 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, this may include those who are eligible to stand for the Community Council, who have expressed an interest in becoming a member but there are no membership spaces available. They would be an associate member until the next election, or, for up to a maximum of one year, whichever is the earlier.***

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*

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.

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

6.1.2 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.

### **6.2 *Nominations and Elections***

#### **6.2.1 Background**

The first elections to be held under this Scheme shall be interim elections on a date or dates to be fixed by The Highland Council.

Subsequent full 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.

***On the nomination form all candidates will be asked to submit a brief statement of who they are and why they want to become a Community Councillor.***

#### 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.

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

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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

***but remain more than two:***

- then the Community Council shall stop operating immediately until an interim election is called. The exception to this is where, with

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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 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.

○ ***If the number of elected Community Councillors falls to two or less, the Community Council will be dissolved at that time. In the event that the Community Council is dissolved under this 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.***

- 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.

**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



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meeting when the matter will be decided.

**Community Councils should pro-actively promote the number of possible Co-opted spaces they have available to their community**

- 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.

## **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 has identify identified a named officer to act as a Liaison Officer three Area generic community council support emails as follows:  
ccsupportnorthandeast@highland.gov.uk;  
ccsupportinvernessandsouth@highland.gov.uk;  
ccsupportwestandmid@highland.gov.uk 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 appropriate community council support generic email address. Details of which generic email address Community Councils should contact will be included in the annual support and guidance pack that will be circulated to Community Councils, along with the contact details of the Community Support Team**~~

- 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 community council support generic email address normally within 14 days from the date of that meeting taking place. A copy of the approved minutes should also be sent to The Highland Council via its named community council support generic email address.**~~

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 1<sup>st</sup> April each year to 31<sup>st</sup> 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.

***A copy of the financial report is required to allow the Council to release the administration grant and if it has not been submitted before the end of that financial year, no grant can be paid out.***

- 9.1 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.
- 9.2 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.
- 9.3 Each Community Council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.
- 9.4 Each Community Council shall be eligible to apply for grants or funding in kind for

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suitable projects through The Highland Council's grant system.

9.5 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.

9.6 The Highland Council shall facilitate advice and assistance to Community Councils and arrange for the establishment of

***an annual training programme support and guidance pack***

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.

9.7 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**

10.1 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.

10.2 A local scheme of insurance liability and property cover is available through the Highland Council's Insurers. The insurance liability cover, in standard terms, should be requested directly from the Insurers. This cannot be done on the organisation's behalf. 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. 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.

***They will also have a right to appeal the decision to disqualify them, with the appeal to be considered by the Community Council. The majority decision of those present and eligible to vote will be binding.***

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

- 12.1 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 two or less 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, or failing this a neighbouring Community Council could be approached to consider merging with it. If there is clear support from the communities involved, Members would be asked to consider any merger at an Area Committee in accordance with the Scheme of Delegation.***

- 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
Kiltearn	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
1909	174.1	11.0	7	1	0
409	240.2	1.7	7	0	1

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<b>Community Council</b>	<b>Total Community Council Membership</b>
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

<b>Total Population</b>	<b>Area (sq kms)</b>	<b>Population Density (Persons per sq km)</b>	<b>Core membership</b>	<b>Additional Member / 1000 population</b>	<b>Additional Member if pop. density &lt; 9.1</b>
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**

<b>Community Council</b>	<b>Total Community Council Membership</b>
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, 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

<b>Total Population</b>	<b>Area (sq kms)</b>	<b>Population Density (Persons per sq km)</b>	<b>Core membership</b>	<b>Additional Member / 1000 population</b>	<b>Additional Member if pop. density &lt; 9.1</b>
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

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<b>Community Council</b>	<b>Total Community Council Membership</b>
Glenfinnan	8
Glengarry	8
Killearnan	7
Kilmallie	8
Kilmuir	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

<b>Total Population</b>	<b>Area (sq kms)</b>	<b>Population Density (Persons per sq km)</b>	<b>Core membership</b>	<b>Additional Member / 1000 population</b>	<b>Additional Member if pop. density &lt; 9.1</b>
124	187.4	0.7	7	0	1
378	521.7	0.7	7	0	1
688	31.4	21.9	7	0	0
1819	165.5	11.0	7	1	0
374	64.2	5.8	7	0	1
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*

<b>Community Council</b>	<b>Total Community Council Membership</b>
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

<b>Total Population</b>	<b>Area (sq kms)</b>	<b>Population Density (Persons per sq km)</b>	<b>Core membership</b>	<b>Additional Member / 1000 population</b>	<b>Additional Member if pop. density &lt; 9.1</b>
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**

<b>Community Council</b>	<b>Total Community Council Membership</b>
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
Dulnain 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

<b>Total Population</b>	<b>Area (sq kms)</b>	<b>Population Density (Persons per sq km)</b>	<b>Core membership</b>	<b>Additional Member / 1000 population</b>	<b>Additional Member if pop. density &lt; 9.1</b>
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*

<b>Community Council</b>	<b>Total Community Council Membership</b>
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

<b>Total Population</b>	<b>Area (sq kms)</b>	<b>Population Density (Persons per sq km)</b>	<b>Core membership</b>	<b>Additional Member / 1000 population</b>	<b>Additional Member if pop. density &lt; 9.1</b>
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 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. 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.

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 30<sup>th</sup> 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

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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 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

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- 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; ***including approved minutes***

- 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

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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, 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 1<sup>st</sup> April each year until 31<sup>st</sup> 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

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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~~ ***at it's inaugural meeting and duly noted in the minute of the meeting.***

***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 1<sup>st</sup> April and 30<sup>th</sup> 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

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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 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.

**2024/25 Scheme Review – Boundary Proposals**

<b>Community Council:</b>	<b>Boundary Proposal:</b>
<b>Garve &amp; District</b>	<p>Strathvaich and Garbat Forest are part of Garve, however, they are in the Strathpeffer CC area. This should be updated to align with current residents use of the land.</p> <p>Small amendments to align geographies or settlements</p>
<b>Conon Bridge</b>	<p>North to Middle point of River Conon, including Garrie Island. South and South West, taking in that part of Ferintosh Parish, currently in Ferintosh CC Area - all west of the A835.</p> <p>Move boundary to middle of river conon, including Garrie Island; Extend Boundary to south and west taking in Bishop Kinkell and Conan Woods</p> <p>Small amendments to align geographies or settlements</p>
<b>Glengarry</b>	<p>The current boundary of GCC is mostly Ward 11 but has small areas in Wards 5 and 12. This can be confusing for planning issues. Consideration could be given (either smaller or larger) to ensure boundaries are coterminous with electoral (or other suitable) boundaries.</p> <p>An alternative would be for the Glengarry CC boundary to become coterminous with the ward boundary at Loch Loyne 500 meters south west of Paitnagreen. This would leave Kinlochourn and Kinlochourn Forest etc in W5 and would move these areas in to the Glenelg and Arnisdale CC. Additional land (few residents) would go into the Lochduich CC area.</p> <p>Small amendments to align geographies or settlements</p>
<b>Thurso</b>	<p>Should Thurso CC boundary be changed to include either West Gill only or West Gill and Scrabster.</p> <p>Small amendments to align geographies or settlements</p>
<b>Strathnairn &amp; Nairnside</b>	<p>Strathnairn &amp; Nairnside boundary needs looked at again.</p> <p>Small amendments to align geographies or settlements</p>
<b>Tornagrain</b>	<p>Tornagrain needs its own CC.</p> <p>Creation of new Community Council</p>

<b>Smithton &amp; Culloden West</b>	<p>Could Smithton also include Culloden West</p> <p>Small amendments to align geographies or settlements</p>
<b>Contin</b>	<p>Jamestown more obviously belongs to Strathpeffer, and has things in common with Garve and MSS.</p> <p>Small amendments to align geographies or settlements</p>
<b>Holm</b>	<p>consideration should be given again to HCC taking in Essich Meadows, from Dores and Essich CC</p> <p>Small amendments to align geographies or settlements</p>
<b>Nairn West and Suburban Nairn River</b>	<p>Combine Nairn West and Suburban, and Nairn River into one Community Council for Nairn</p> <p>Community Council merger</p>
<b>Cawdor and West Nairnshire</b>	<p>Clarity needed on official boundaries of the area Cawdor Croy boundary needs looked at since new housing</p> <p>Small amendments to align geographies or settlements</p>
<b>East Nairnshire CC</b>	<p>There is no CC operating in East Nairnshire. Proposal to extend boundaries of both Auldearn and Cawdor and West Nairnshire Community Council to allow the residents within the East Nairnshire CC have a CC with their area. Suggestion that the A939 road is used as the boundary between both CCs.</p> <p>Community Council merger</p>
<b>Ballifeary CC</b>	<p>Currently no CC operating within the CC area. Suggestion made to look at potential boundary change with Dalneigh and Columba CC expanding into the Ballifeary area</p> <p>Community Council merger</p>
<b>Muirtown CC</b>	<p>Currently no CC operating. Request made by Inverness West to merge with Muirtown CC and there is a clear connection between the two areas. This will allow stronger group membership.</p> <p>Community Council merger</p>

## Appendix 3

### 2024/25 Scheme Review – Proposed General Scheme Amendments

Proposed General Amendment	Rationale	Scheme Reference
<b>Accounting</b> <ul style="list-style-type: none"> <li>○ Additional information to confirm that a copy of the financial templates will be included in an annual support and guidance pack</li> <li>○ A copy of the financial report is required to release the annual administration grant</li> </ul>	<p>To enable regular updating of template</p> <p>To meet audit requirements. Must be submitted before the end of the financial year or grant can't be paid</p>	<p>Scheme – 3.2</p> <p>Scheme – 9.1</p>
<b>Support &amp; Guidance - Annual information pack to support</b> <ul style="list-style-type: none"> <li>○ Guidance on do's &amp; don'ts for social media</li> <li>○ Equality awareness</li> <li>○ Community Council complaints process</li> </ul>	To support communication with local community	Scheme – 3.2, 3.3, 3.4, 9.7
<b>Contacts</b> <ul style="list-style-type: none"> <li>○ Generic Community Council and Office Bearer email address</li> <li>○ Inclusion of three Area generic community council support emails</li> </ul>	<p>To ensure that the community council is accessible by the wider community</p> <p>To support the restructure of the new Community Development Service</p>	<p>Scheme – 3.2</p> <p>Scheme – 8.1, 8.3</p> <p>Constitution – 11.1f, 13.1, 14.1e</p> <p>Standing Orders – 1.3</p>
<b>Membership Lists</b> <ul style="list-style-type: none"> <li>○ To be updated following boundary changes</li> <li>○ To be updated with most recent populations</li> </ul>	To update existing listings	Appendix 2
<b>Co-opted Members</b> <ul style="list-style-type: none"> <li>○ To confirm candidate eligibility</li> <li>○ Promotion of co-opted membership</li> </ul>	<p>To ensure Community Councils are aware of the requirements for a co-opted member</p> <p>To raise public awareness of how many co-opted membership places are available</p>	<p>Scheme – 5.3</p> <p>Scheme – 6.3</p>
<b>Associate Membership</b> <ul style="list-style-type: none"> <li>○ To increase opportunity for associate membership</li> </ul>	To include those who are eligible to stand for the Community Council, who have expressed an interest in becoming a member	Scheme – 5.5



	but there are no membership spaces available. They would be an associate member until the next election, or, for up to a maximum of one year, whichever is the earlier.	
<b>Youth Membership</b> <ul style="list-style-type: none"> <li>○ To increase the maximum number of Youth Members</li> </ul>	To encourage wider community participation	Scheme – 5.7
<b>Elections</b> <ul style="list-style-type: none"> <li>○ To include a brief candidate statement on all nomination forms</li> <li>○ Invitation to Merge Community Councils</li> </ul>	<p>To give a brief outline of why a candidate wants to join the Community Council</p> <p>To provide an opportunity for neighbouring Community Councils to merge where one has been dissolved</p>	<p>Scheme – 6.2.1</p> <p>Scheme – 13.3</p>
<b>Membership Vacancies</b> <ul style="list-style-type: none"> <li>○ To confirm number of members required to operate</li> </ul>	To differentiate between the number of members that would require going into abeyance or being dissolved	Scheme – 6.2.6
<b>Disqualification of Membership</b> <ul style="list-style-type: none"> <li>○ Right of appeal</li> </ul>	To provide members who have been automatically disqualified for non-attendance the right of appeal	Scheme – 11.2
<b>Minutes</b> <ul style="list-style-type: none"> <li>○ Requirement to submit approved minutes</li> </ul>	Clarification of process	Constitution – 13.1
<b>Constitution</b> <ul style="list-style-type: none"> <li>○ Inclusion of approval at inaugural meeting</li> </ul>	Clarification of process	Constitution - 18

## **General Comments to Pre-Engagement Phase**

### ***“What could Community Councils do to encourage wider community involvement.”***

- Encourage and develop Community Council Membership and promote the role of Community Councillor
- Develop & Increase community engagement & contact by Community Council
- Hold more in person meetings and rotate their location across the area.
- Publicise and consult on Community Council business & current community issues more widely
- Increase engagement between Community Council and Statutory Partners
- Increase Community Councillor accountability to local constituents
- Increase Community Council responsibilities
- Subsidise or improve access of Community Council use of community facilities to facilitate meetings
- Develop Community Council online presence and content to better engage with community
- Publicise Community Council meeting papers in local newspapers
- Hold a get to know your Community Council event locally for the public to attend
- Develop a printed Community Council newsletter
- Circulate draft Community Council Resilience Plan to the Community for comment.
- Recruit more Youth Members to the Community Council

57 responses were received in relation to “Other Comments from the Survey”. This included that Community Councils felt they were not listened to or engaged with effectively by the Council, that Community Councils needed greater support in relation to training, finances etc and that there was no real decision making for Community Councils. Answers were analysed and the following issues were raised more than once.

- CCs not listened to, respected or adequately engaged by HC
- Insufficient funding/ resources for CCs to operate effectively
- Lack of power or clear guidance on how to deal with poorly behaved CCs and/or CCllrs
- Capacity /volunteer fatigue/ CCllrs feel taken advantage of
- Too many national/ Highland consultations
- Need for training on CC planning function
- Clarity of Highland Councillors role / attendance at CC meetings

- Need to promote/ support joint working between CCs (e.g., Ward Forums, CC Associations)
- Training / induction for new CCLrs
- More practical support / guidance with comms e.g. website, community consultations, email management, social media etc
- Support to address challenge of attracting new CCLrs
- Lack of CC decision-making power
- Better/ closer relationship with Ward Manager and other HC officials