



West Lothian
Council

West Lothian Council

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

18 February 2015

A Special meeting of West Lothian Council will be held within the **Council Chambers, Civic Centre, Livingston** on **Tuesday 24 February 2015** at **10:00am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Order of Business
3. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
4. Adoption of An Amended Scheme for Establishment of Community Councils in West Lothian - Report by Head of Corporate Services (herewith)

NOTE **For further information contact Anne Higgins, Tel: 01506 281601 or email: anne.higgins@westlothian.gov.uk**



West Lothian Council

Tom Kerr – Provost
West Lothian Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF
Tel 01506 281728

TK/jk

Mr Graham Hope
Chief Executive
West Lothian Council
Civic Centre
Howden south Road
Livingston
West Lothian
EH54 6 FF

10 February 2015

Dear Graham

I am calling a special meeting of West Lothian Council to deal with the following items of business:

1. Adoption Of An Amended Scheme for Establishment of Community Councils in West Lothian
– Report by Head of Corporate Services

I would be grateful if you could make the necessary arrangements and confirm the date and time of the meeting.

Yours sincerely

Councillor Tom Kerr
Provost



WEST LOTHIAN COUNCIL

ADOPTION OF AN AMENDED SCHEME FOR ESTABLISHMENT OF COMMUNITY COUNCILS IN WEST LOTHIAN

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To invite the council to adopt a new Scheme for Establishment of Community Councils in West Lothian and supporting documents. Legislation requires approval at a special meeting of the council and by a two-thirds majority vote.

B. RECOMMENDATIONS

1. To approve the finalised West Lothian Scheme for Establishment of Community Councils, Model Constitution, Model Standing Orders, Model Code of Conduct and community council names/boundaries.
2. To note the Community Council Guidance Notes which will support the Scheme when approved.
3. To note the election arrangements to be made to set up new community councils in Greenrigg and Whitburn.

C. SUMMARY OF IMPLICATIONS

I. Council Values	Focussing on our customers' needs; Being honest, open and accountable; Providing equality of opportunity; Making best use of our resources; and Working in partnership;
II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Section 22, Part 1 of the Local Government (Scotland) Act 1994.
III. Implications for Scheme of Delegations to Officers	The Community Council Guidance Notes which have been produced to support the Scheme will be updated as required by the Head of Corporate Services.
IV. Impact on performance and performance indicators	None.
V. Relevance to Single Outcome	We live in resilient, cohesive and safe

	Agreement	communities
VI.	Resources - (Financial, Staffing and Property)	The costs of statutory notices will be met from the community council budget.
VII.	Consideration at PDSP	Partnership & Resources PDSP – 12 March 2014, 6 June 2014, 5 September 2014 and 23 January 2015.
VIII.	Other consultations	Community councils; West Lothian Association of Community Councils; elected members; council officers in Corporate Services, Area Services and Chief Executive's Office; public notices in the local press and on the council's webpage and social media sites.

D. TERMS OF REPORT

At a meeting of the Partnership and Resources PDSP held on 14 March 2014, the panel noted a report advising of the intention to revoke the existing Scheme for Establishment of Community Councils and to produce a new one in its place.

The review was prompted by a request to separate the existing Whitburn & Greenrigg Community Council to form two separate community councils for the areas of Whitburn and Greenrigg. The review was however overdue following its postponement pending publication of the Community Empowerment (Scotland) Bill which has now taken place.

In accordance with the relevant legislation, three separate rounds of public consultation on the existing scheme, draft and amended draft schemes took place as follows:-

- First Round of Consultation on Existing Scheme – 17 March to 15 May 2014
- Second Round of Consultation on First Draft Scheme – 9 June to 8 August 2014
- Final Round of Consultation on Amended Draft Scheme – 11 September to 2 November 2014

The comments received during each round of consultation were considered by a short life working group which had been set up to review the scheme. The working group was made up of officers from Corporate Services, the Chief Executive's Office and Area Services, and three representatives from the West Lothian Association of Community Councils. Where it was considered appropriate, the suggestions made during each round of the consultation have been incorporated into the Final Scheme for Establishment of Community Councils in West Lothian, the Constitution and Standing Orders, the Code of Conduct for Community Councillors and List of Names and Sizes (Appendices 1, 2, 3 and 4).

A separate set of guidance notes (Appendix 5) has been produced to sit alongside the new Scheme following feedback early in the consultation process. These are based on Scottish Government Guidance Documents which were made available when the Scheme was last reviewed, and are separated from the Scheme itself to allow them to be amended and updated from time to time by the Head of Corporate Services without having to go through the full statutory consultation procedure required for changes to the Scheme itself. This will provide a useful degree of flexibility especially when the Community Empowerment (Scotland) Bill is enacted.

The proposed community council names and areas are shown in Appendix 4, and maps showing the boundaries are available as well. The only changes are the division of the Whitburn & Greenrigg Community Council area into two; the renaming of Bellsquarry Community Council as Bellsquarry and Adambrae Community Council; and the renaming of East Calder & Wilkieston as East Calder & District Community Council.

Given that Greenrigg and Whitburn Community Councils are effectively both new community councils being established under the new Scheme, arrangements will be made to advertise for the election of members to serve on these community councils following the scheme's approval. The closing date for nominations will be Thursday 9 April 2015 at 4 pm. As long as no contested elections are required, both community councils will be set up by the end of April at the very latest.

One issue which attracted considerable comment and a divergence of views was the initial suggestion that membership could include business members with full voting rights. As a result of consideration and debate during the consultation process, that proposal has not been included in the final draft Scheme. Individuals with a business connection rather than a place of residence may still be brought on to a community council but will not have voting rights.

At its recent AGM in November 2014 and reconvened AGM in January 2015, the West Lothian Association of Community Councils was unable to appoint a Chair. As a result, the Association cannot continue to operate. During the review, there was some doubt expressed about the Association's effectiveness and entitlement to represent all community councils. Liaison and consultation with an umbrella or representative body of some sort is a sensible and practical measure, and so the potential role for such a body is retained in the final draft Scheme. Options will be considered as to how best to ensure community councils can continue to be represented on PDSPs and in the Community Planning Partnership structure.

Elected members will continue to be *ex officio* members of the community councils within their ward area.

E. CONCLUSION

Any change to a community council scheme involves a very lengthy and time-consuming statutory process. The adoption of the new Scheme for Establishment of Community Councils in West Lothian will ensure that the rules are up-to-date and that they reflect the current requirements of both the council and community councils.

F. BACKGROUND REFERENCES

Scheme for Establishment of Community Councils in West Lothian - Council Executive, 23 June 2009

Review of Scheme for Establishment of Community Councils - Partnership &

Resources PDSP - 14 March 2014, 6 June 2014, 5 September 2014 and 23 January 2015

Community Empowerment (Scotland) Bill -
[http://www.scottish.parliament.uk/S4_Bills/Community%20Empowerment%20\(Scotland\)%20Bill/b52s4-introd.pdf](http://www.scottish.parliament.uk/S4_Bills/Community%20Empowerment%20(Scotland)%20Bill/b52s4-introd.pdf)

Appendices/Attachments:

- Appendix 1 – Scheme for Establishment of Community Councils
- Appendix 2 – Constitution and Standing Orders
- Appendix 3 – Code of Conduct for Community Councillors
- Appendix 4 - Community Council Names and Sizes
- Appendix 5 - Community Council Guidance Notes

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Julie Whitelaw
Head of Corporate Services
24 February 2015

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN WEST LOTHIAN 2015

1. Introduction

Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, which produced the current system of unitary local authorities, 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.

The Model Scheme for Community Councils in Scotland, upon which West Lothian's Scheme is largely based, is designed to enable the establishment of community councils across Scotland to provide a common minimum basic framework governing their creation and operation.

2. Statutory Purposes

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

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

3. The Role and Responsibilities of Community Councils

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

It is essential that these views be demonstrated to be accurately representative of the community. Accordingly, the community council will have in place, in consultation with the local authority, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sectors of the community.

A framework guidance document, developed in conjunction with the Community Engagement Team, using elements from the community planning partnership's

community engagement plan, will support the scheme. This will help community councils by suggesting appropriate levels/methods of community engagement depending on the issue under consideration.

Community councils have a statutory right to be consulted on planning applications. Licensing matters and any other matters may also be jointly agreed between community councils, the local authority and other public sector and private agencies.

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.

There should be mutual engagement in the establishment of working relationships with the local authority and other agencies.

In carrying out their activities community councils must at all times adhere to the law, including public sector equalities legislation, the terms of the Council's Scheme for the Establishment of Community Councils and the Community Councillors' Code of Conduct.

Following an election, every community council will automatically adopt the model constitution and standing orders provided by West Lothian Council as its basic set of rules. Nothing in the model constitution and standing orders can be removed. However, community councils will be able to add additional clauses they consider essential. Any variations to the constitution will require approval of West Lothian Council to ensure the proposals are acceptable and remain within the spirit of the scheme.

This will lead to consistency for all community councils and will facilitate their proceedings being properly structured and regulated, to ensure that items of business relevant to the community are properly debated and decisions reached in a democratic manner.

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

- Inform the community of the work and decisions of the community council by posting agendas and minutes of meetings in public places, such as libraries and notice boards and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of community council members.
- Agendas and draft minutes of community councils' meetings must be presented to the local authority at least 7 days before the date of each meeting and be circulated to community council members, relevant elected members and other interested parties.

- Seek to broaden both representation and expertise by promoting the Associate Membership of the community council of persons for specific projects/issues.
- Make particular efforts to encourage young people and other under-represented groups to attend/participate in community council meetings and to ensure equality of opportunity in the way the community council carries out its functions.
- Maintain proper financial records and present financial reports at community council meetings. An example of a standard format for community councils' financial record-keeping is featured in West Lothian Council's Community Council Guidance Notes.
- Inform the local authority of any change in membership (resignations, Associate Membership, etc.) and circumstances, as soon as is practicable.
- Seek to engage with the West Lothian Association of Community Councils and the West Lothian Community Planning Partnership.

4. Community Council Areas within Local Authority Areas

The local authority has produced a list of named community council areas and a map or maps that define their boundaries. The list of 41 community areas can be seen by visiting www.westlothian.gov.uk/communitycouncils

5. Membership of Community Councils

There shall be minimum and maximum membership numbers of elected community councillors in a community council.

The minimum number of members on a community council in West Lothian will be 4. The maximum number of members on a community council in West Lothian will be 18.

By allowing every community council to operate with a minimum of 4 and maximum of 18 members, this will help to ensure that every community council will have full flexibility as membership numbers fluctuate when members leave or new members wish join. It will also assist in establishing non-operational community councils in West Lothian by ensuring that only 4 members will be required to set a community council up.

The minimum age to stand for election as a community councillor is 18 years. Qualification for membership is by residency within the specific community council area. Community councillors and candidates for community council membership must also be named on the electoral register for the community council area in which they reside.

West Lothian Council has agreed to allow the continuation of youth members between the ages of 14-18 in its new scheme. Every community council can have up to a maximum of 4 youth members. Youth members will be able to join once proof of age and residency has been provided to the Independent Returning Officer.

Youth members have full voting rights and are in addition to the membership numbers prescribed in Paragraph 5. Youth members will be eligible to hold an office-bearer position, except that of treasurer. This is due to bank regulations which restrict many club and association accounts/cheque books to over 18s only.

Elected members of the local authority and members of the Scottish, United Kingdom and European Parliaments are ex-officio members of relevant community councils, with no voting rights. A broad outline of the remit and responsibilities of each of these institutions is featured in the Guidance Notes produced by the Scottish Government.

6. Establishment of Community Councils under the Model Scheme

Upon the local authority's decision to revoke its existing Scheme for the Establishment of Community Councils and to make a new Scheme, it shall publish a Public Notice, which shall invite the public to make suggestions as to the areas and composition of the community councils. Thereafter, a consultation process shall be undertaken prior to its formal adoption by the local authority.

7. Community Council Elections

Eligibility

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

Youth members between the ages of 14-18 will be eligible to stand for election once proof of age and residency has been provided to the Independent Returning Officer.

Any community council member who no longer resides within that community council area is deemed to have resigned from that community council.

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

Nominations and Elections

The first elections to be held under the new Scheme shall be held in September/October 2017.

Subsequent elections will be held on a four-yearly-cycle, outwith local government election years, on dates to be determined by the local authority. Where the number of established community councils exceeds a level to be determined by the local authority, elections for a proportion of the total number of established community councils within the 4-yearly cycle may be arranged. Should community councils' election cycle fall in the year of Scottish local government or parliamentary elections, the electoral proceedings for community councils will be held in the following year.

The local authority will administer all elections.

Returning Officer

The local authority will appoint an Independent Returning Officer. The Independent Returning Officer will be the Chief Executive of West Lothian Council or his/her nominee.

Nominations

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

Proposers and seconders may not consent to more than one nomination. The Returning Officer shall not accept a nomination form where the proposer or seconder has already proposed or seconded a nomination form which has been accepted.

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

Process

On the expiry of the period for lodging nominations:

1. Should the number of candidates validly nominated equal or exceed 4, the minimum number of members, but be less than or equal to the total 18, the maximum number of members, the said candidates will be declared to be elected and no ballot shall be held.
2. Should the number of candidates validly nominated exceed the total maximum of 18 members, arrangements for a Poll shall be implemented. At the Poll, each voter shall be entitled to vote for candidates up to the number of vacancies on the community council. The candidate with the most votes shall be elected on to the community council then the candidate

with the second most votes shall be elected and so on until all vacancies are filled.

3. Should the number of candidates elected be below 4, the minimum size, no community council will be established at that time. However, that does not preclude the local authority from issuing a second call for nominations for a community council area failing to meet the minimum membership requirement within 6 months of the closing date for the registration of the first call for nominations.

Method of Election

Elections will be based on whole local authority areas or devolved administrative areas, as deemed appropriate. Ideally, elections will take place across whole local authority areas at one time. However, large local authorities may need to take an incremental approach to elections across their area, over a specified period of time or cycle. Community councils shall be elected on a simple majority basis.

Filling of casual places/vacancies between elections

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

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

Should a vacancy or vacancies arise on a community council between elections, it shall be a requirement that the community council undertake appropriate arrangements to fill the vacancy, in consultation with the local authority. Filling a vacancy can be undertaken either through the process of an interim election or by co-option. However, should circumstances arise that lead to the number of elected community councillors falling below the minimum of 4 members, the local authority shall be informed and shall undertake arrangements for an interim election to be held, as described within the Scottish Government's Guidance Notes.

Co-option to Community Councils

Co-opted members must be eligible for membership of the community council as detailed in Section 5 of the Community Council Scheme. They must be elected onto the community council by a two-thirds majority of the elected (general and interim) community councillors present and voting. Such 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). Notice of any

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

The number of co-opted members may not exceed HALF of the current elected (general and interim) community council membership. Should the ratio of co-opted to elected community councillors become greater than one HALF, due to any circumstances, an interim election process shall be triggered.

Additional Membership

Associate Members

Associate members may be appointed by a community council where there may be a need for individuals with particular skills or knowledge. These individuals do not have voting rights and do not require to meet the eligibility criteria for other types of membership. Associate members cannot move motions or amendments, nor hold office-bearer positions. 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. Associate members may also include representation from other constituted local voluntary organisations.

Ex-Officio Members

Local Authority Councillors, MPs, MSPs and MEPs whose wards or constituencies fall wholly or partly within the geographical area of the community council area shall be deemed ex-officio members of the community council. Ex-officio members shall have no voting rights on the community council.

Ex-officio members must be invited to all community council meetings, including those meetings which are held in private.

8. Equalities

Recognition should be given to the contribution of everyone participating in the work of the community council. Community councils must comply with public sector equality duties, 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.

9. Disqualification of Membership

Membership of a community council is invalidated should a community councillor's residency qualification within that community council area cease to exist. If any member of a community council fails to attend any community council meeting, with or without submitting apologies, throughout a period of 6 months, the community council may terminate their membership. At the discretion of individual community councils, a period of leave of absence for community council members may be granted at any meeting of the community council.

Where no leave of absence has been granted and a member has been absent for 3 meetings, the community council should write to the community councillors to establish the reasons for non-attendance and to ask whether the member intends returning to the community council. Any response received must be taken into account by the community council in making any decision about termination of membership.

10. Meetings

The first meeting of a community council following a community council election, will be called by the Returning Officer and will take place within 28 days of the date of the election, or as soon as practicable thereafter. The business of that meeting will include the mandatory adoption of the Model Constitution and Standing Orders, appointment of office bearers and any outstanding business matters from the outgoing community council. In the event of a tied vote for the position of Chair at an inaugural meeting, the decision will be made by drawing of lots. The Chair of the former community council does not have a casting vote.

The frequency of meetings will be determined by each community council, subject to a minimum of one annual general meeting and 4 ordinary meetings being held each year. The annual general meeting shall be held in a month of each year to be determined by the community council.

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

Meetings of a community council can be conducted by any other method in which each member is able to participate despite not being present in the meeting venue. Any community council wishing to hold virtual meetings would have to put in place appropriate arrangements to allow virtual participation by the public. Any community council member who participates virtually in a meeting of their community council will count towards the quorum.

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 Model Constitution and Standing Orders.

11. Liaison with the Local Authority

In order to facilitate the effective functioning of community councils, the local authority has identified an official to act as a Liaison Officer with community councils. Unless there is a specific agreement or an issue is a specific departmental issue, all correspondence between the local authority and the community councils should, in the first instance, be directed through that official.

Community councils may make representations to the local authority and other public and private agencies, on matters for which it is responsible and which it considers to be of local interest. Representations should be made, in the case of statutory objections, such as planning or licensing matters, to the appropriate local

authority official. On issues where a local authority department is consulting with community councils, representations should be made to the appropriate departmental officer.

Community councils shall provide copies of their agendas and minutes within prescribed timescales to the Council via the local authority's named official.

12. Liaison with the West Lothian Association of Community Councils

West Lothian Council recognises the West Lothian Association of Community Councils as the representative body for community councils in West Lothian. The WLACC is governed by its own constitution.

The WLACC shall provide a representative to attend and participate in meetings of the West Lothian Community Planning Partnership and the council's Policy, Development and Scrutiny Panels.

Membership of the WLACC is open to every community council in West Lothian. West Lothian Council encourages all community councils to get involved with the Association which aims to facilitate the exchange of information between community councils; ascertain the views of community councils, provide a forum for discussion and express these to local and central government, public bodies and the general public; and increase the collective identity of community councils and strengthen their identity across West Lothian.

In the event of the WLACC being dissolved, or ceasing to exist, the council and the Community Planning Partnership will work with any properly constituted successor body.

In the event of no such body being formed, the council and the Community Planning Partnership will consider how best community councils can fulfil their statutory purposes of expressing their views to authorities on PDSPs and the CPP.

13. Relationship with the West Lothian Community Planning Partnership

All community councils are members of the West Lothian Community Planning Partnership. Given the number of community councils in West Lothian, the CPP liaises with community councils through the WLACC or any successor body set up to represent the collective interests of community councils. A representative of the WLACC (or successor body) has a place at the quarterly meetings of the CPP Board. Community councils are encouraged to actively engage with the WLACC (or successor body) to ensure that the view of community councils on strategic plans and policies are represented at meetings of the CPP Board.

14. Resourcing a Community Council

The financial year of each community council shall be provided for in the constitution of each community council and shall be from 1st April to 31st March in each succeeding year to allow for the proper submission of audited statement of accounts to the community council's annual general meeting on a specified date.

The Annual Accounts of each community council shall be independently examined by a qualified accountant or by two examiners appointed by the community council, who are not members of that community council and who have no connection with the community council. The examiners do not have to be qualified accounts, simply two people independent of the community council who are capable of auditing simple accounts.

A copy of the independently examined statement of accounts/balance sheet shall be forwarded immediately thereafter the statement is approved at the community council's annual general meeting, to a named official of the local authority.

The named official may, at their discretion and in consultation with the Council's Chief Financial Officer, require the community council to produce such records, vouchers and account books, as may be required.

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

Each community council shall be eligible to apply for grants for suitable projects through the local authority's special project grant scheme.

The local authority will provide an annual grant to community councils to assist with the operating costs of the community council. The level of annual grant shall be as set by West Lothian Council. Community councils set up mid-way through the financial year will receive the remaining proportion of the annual grant. Annual grants for subsequent years shall be paid by the local authority after it has checked the community council's annual accounts, which must have been examined and approved by the community council as provided for in its Standing Orders and upon the submission of regular and up to date minutes.

The local authority shall determine any additional support services/resourcing, such as: photocopying and distribution of community council minutes, agendas and free lets of halls for community council meetings, to suit local requirements. The local authority will review the level of annual grant and other support to community councils following each local government electoral cycle.

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

15. Liability of Community Council Members

A scheme of insurance liability cover has been arranged. The insurance liability cover becomes effective upon the local authority advising the insurance underwriter of the establishment of a community council.

A guidance note on the legal liability of community councillors is provided in the Guidance Notes for Community Councils which supports the scheme.

16. Dissolution of a Community Council

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

Notwithstanding these terms, should a community council fail to hold a meeting for a period of 3 consecutive prescribed meeting dates, or its membership falls below the prescribed minimum for a period of 3 consecutive prescribed meeting dates (during which time the community council and the local authority have taken action to address the situation), the local authority shall take action to dissolve that community council.

17. Commencement Date

The Scheme will come into effect on 24th February 2015, except the prescribed size of community councils elected in 2013 and youth members aged 16-17 who were elected to their respective community councils as full members prior to the introduction of the 2015 scheme, both of which will remain unchanged until the date of the next elections in September/October 2017.

CONSTITUTION AND STANDING ORDERS FOR COMMUNITY COUNCILS

1. Name

The name of the community council shall be..... (referred to as “the community council” in this document).

2. Area of the Community Council

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

3. Objectives

The objectives of the community council shall be:

- (a) to ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people;
- (b) to express the views of the community to the local authority for the area to public authorities and other organisations;
- (c) to take such action in the interests of the community as appears to it to be desirable and practicable;
- (d) to promote the well-being of the community and to foster 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.
- (f) seek to engage with the West Lothian Association of Community Councils and the West Lothian Community Planning Partnership.

4. Role and Responsibilities

In the discharge of their functions and the conduct of their business, the community council and its membership shall have regard to their role and responsibilities as set out in paragraph 3 of the Scheme for the Establishment of Community Councils, approved by the local authority and the Community Councillors’ Code of Conduct.

5. Membership

The community council’s membership is as governed by paragraph 5 of the Scheme for the Establishment of Community Councils and as determined from time to time by the local authority.

6. Method of Election

Election procedures shall be governed by the method of election laid down in paragraph 7 of the Scheme for the Establishment of Community Councils.

7. Casual Vacancies on the Community Council

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

- (a) an extraordinary general meeting be held in order that the vacancy (and any other outstanding vacancies) can be filled, on the basis that such vacancies would be publicised, nominations invited and an election held where the number of candidates exceeded the number of places available. Interim elections will be administered by the local authority.
- (b) the filling of a vacancy by co-option with voting rights to a maximum of $\frac{1}{2}$ of the total current membership of the community council as governed by paragraph 7 of the Scheme for the Establishment of Community Councils.
- (c) the vacancy to be left unfilled until local public interest is expressed or until the next set of regular elections.

8. Voting Rights of Members of the Community Council

The right to vote at any meeting of the community council or any committee thereof, shall be held by all community councillors whether elected or co-opted, but not by Associate Members appointed for specific issues on a temporary basis, or *ex-officio* members. With the exception of circumstances which may arise under the **Scheme for the Establishment of Community Councils**: Clause 7 – Community Council Elections [Co-option]; and **Standing Orders**: Clause 16 – Alterations to the Constitution and its Clause 17 – Dissolution, all decisions of the community council will be decided by a simple majority of those eligible to vote and present and voting.

Voting shall be taken by a show of hand of those present and eligible to vote, with the exception that, at an inaugural meeting or annual general meeting, when the election of office bearers may be held by secret ballot.

In the event of a vote of the community councillors that results in a majority not being achieved, the chair shall have a casting vote. However, this will not apply in the event of a tied vote for the position of chair at the inaugural meeting. Instead the decision will be made by drawing of lots. The chair of the former community council does not have the casting vote.

9. Election of Office-Bearers

- (a) At the first meeting of the community council after elections in the year when elections are held and at the Annual General Meeting in **(to be determined locally)** in the year when elections are not held, the community council shall appoint a Chair, Secretary, Treasurer and other such office-bearers as it shall from time to time decide.
- (b) All office-bearers shall be elected for one year, but shall be eligible for re-election at the AGM, without limitation of time.
- (c) Without the express approval of the local authority, no one member shall hold more than one of the following offices at any one time: Chair, Secretary or Treasurer.

10. Committees of the Community Council

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

11. Meetings of the Community Council

- (a) Including the AGM, the community council shall meet not less than 5 times throughout the year.
- (b) The quorum for community council meetings shall be at least one third of the current eligible voting membership, or 3 eligible voting members, whichever is the greater.
- (c) The dates, times and venues of regular meetings of the community council shall be fixed at the first meeting of the community council following ordinary elections and thereafter at its annual general meeting.
- (d) Ordinary meetings of the community council shall be held in the months of(to be entered).
- (e) The notice of ordinary and general meetings of the community council, featuring the date, time and venue, shall be provided to each community council member and made available to the local authority's named official by the community council secretary.
- (f) Once in each year in the month of **(to be determined by the community council)** the community council shall convene an annual general meeting for the purpose of receiving and considering the Chair's annual report on the community council, the submission and approval of the independently examined annual statement of accounts and the appointment of office bearers.
- (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 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 in the manner prescribed locally for special meetings called by the community council.

- (h) Special meetings may be called at any time on the instructions of the Chair of the community council or on the request of not less than one-half of the total number community council members. The local authority's liaison officer for community councils has the discretion to call a meeting of the community council.
- (i) A special meeting shall be held within 14 days of the receipt of the request made to the Secretary of the community council. Special meetings shall require 10 days public notice.
- (j) Copies of all minutes of meetings of the community council and of committees thereof shall be approved at the next prescribed meeting of the community council, but the draft minute shall be circulated 7 days before the next scheduled meeting, to community council members, other appropriate parties and the local authority's liaison officer for community councils.
- (k) The community council shall abide by its Constitution and Standing Orders for the proper conduct of its meetings.
- (l) The community council can meet to discuss items of business in private where it considers it appropriate to do so. The decision to meet in private will be agreed in advance and decided by a majority vote. Notice of such a meeting will be given to the public in the usual way. However, the Notice will record that the meeting, or a part thereof, shall be held in private and the reason for doing so. All members, including ex officio members, are entitled to be informed of and to be in attendance at any such private meeting. Brief minutes should be produced and presented to the next public meeting.
- (m) The community council may also hold private meetings, with no public notification, but only: in circumstances where it is not otherwise possible to arrange and advertise a public meeting according to the standard rules of the scheme; or where the objective of the meeting is purely to ratify a community council position that has previously been discussed at the preceding public session. Such meetings shall invite the opinion of all the community councillors present and will be minuted. The minutes will then be presented to the next public meeting.
- (n) All community council members, including ex-officio members, shall be treated equally, and fairly and without distinction or discrimination, in relation to meetings of the community council.
- (o) Meetings of a community council can be conducted by any other method in which each member is able to participate despite not being

present in the meeting venue. Any community council wishing to hold virtual meetings would have to put in place appropriate arrangements to allow virtual participation by the public.

12. Order of Business

(i) Ordinary Meetings

The order of business at every ordinary meeting of the community council shall be as follows:-

- (a) Recording of membership present and apologies received.
- (b) Declarations of Interest.
- (c) The minutes of the last meeting of the community council shall be submitted for approval.
- (d) Any other items of business, which the Chair has directed, should be considered.
- (e) Any other competent business.
- (f) Questions from the floor.
- (g) Chair to declare the date of next meeting and close meeting.

(ii) Annual General Meeting

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

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

- (a) Recording the membership present and apologies received.
- (b) Declarations of Interest.
- (c) The minutes of the last annual general meeting of the community council shall be submitted for adoption.
- (d) Chair's Annual Report (and questions from the floor).
- (e) Secretary's Annual Report (and questions from the floor).

- (f) Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).
 - (g) Demit of current office bearers/election of office bearers.
 - (h) Chair to declare date of regular community council meeting dates along with the next annual general meeting and close meeting.
- (iii) Extraordinary General Meeting
- The order or business at every extraordinary general meeting of the community council shall be as follows:-
- (a) Recording of membership present and apologies received.
 - (b) Declarations of Interest.
 - (c) Business for debate, as described in the calling notice for the special meeting.
 - (d) Chair to close the meeting.

13. Order of Debate

- (a) The Chair 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 Chair shall determine the order, relevance and competency of all questions from the public in attendance at meetings of the community council raised at 12 above. The Chair, in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the community council and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chair shall have the power, in the event of disorder arising at any meeting, to adjourn the community council meeting to a time he/she may then, or afterwards, fix.
- (b) Every motion or amendment shall be moved or seconded.
- (c) After a mover of a motion has been called on by the Chair to reply, no other members shall speak to the question.
- (d) A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- (e) A motion or amendment which is contrary to a previous decision of the community council shall not be competent within six months of that decision.

14. Minutes of the Community Council

Minutes of the proceedings of a meeting of the community council shall be drawn up within 21 days from the date of that meeting, distributed in accordance with paragraph 3 of the Scheme for Establishment of Community Councils and shall, following their approval, be signed at the next meeting of the community council by the person presiding thereat and retained for future reference.

15. Public Participation in the Work of the Community Council

- (a) All meetings of the community council and its committees (subject to 11 (l) and (m) above) shall be open to members of the public. Proper provision is to be made for the accommodation of members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the community council, under the guidance of the Chair.
- (b) Notices calling meetings of the community council and its committees shall be posted prominently within the community council area for a minimum period of 7 days before the date of any such meeting, and, where possible, be advertised by other suitable means.

16. Information to the Local Authority

The local authority's liaison officer shall be sent an annual calendar of the community council's prescribed meeting dates, times and venues, which should be agreed at the community council's annual general meeting, minutes of all meetings, the annual report, the annual financial statement and any other such suitable information, as may from time to time be agreed between the community council and the local authority.

When special meetings of the community council are to be held, the local authority's liaison officer should be advised of the date, time venue and subject(s) of debate of such meetings, at least 10 days in advance of the meeting date.

17. Control of Finance

- (a) All monies raised by or on behalf of the community council or provided by the local authority and other sources shall be applied to further the objectives of the community council and for no other purpose. The monies provided by the local authority in the Annual Grant for administrative and other approved purposes shall be used only as prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the community council), or in the absence of such terms, for the furtherance of the objectives of the community council.
- (b) The treasurer shall undertake to keep proper accounts of the finances of the community council.

- (c) Any two of three authorised signatories, who would normally be office-bearers of the community council, may sign cheques on behalf of the community council. Authorised signatories may not be co-habitees.
- (d) A statement of accounts for the last financial year, independently examined by a qualified accountant or by two examiners appointed by the community council, who are not members of this community council and who have no connection with it, shall be submitted to an annual general meeting of the community council and shall be available for inspection at a convenient location.
- (e) The financial year of the community council will be from 1st April until 31st March the succeeding year. Examined accounts as received and approved by the community council at the annual general meeting shall be submitted to the local authority following approval at the community council's annual general meeting.

18. Title to Property

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

Property or assets purchased or leased by community councils under the Community Right to Buy process or such similar schemes, may be owned by a community trust set up by the community council to specifically manage the asset.

19. Alterations to the Constitution and Standing Orders

Any proposal by the community council to alter this Constitution and Standing Orders must be first considered by a 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 issued not less than 7 days prior to the meeting. Any proposed alterations may not prejudice the terms and objectives contained within the Scheme for the Establishment of Community Councils.

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

20. Dissolution

If the community council by a two-thirds majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to dissolve. It is a requirement that not less than 7 days prior to the date of such meeting a public notice be given by means of notification in the local newspaper. If the resolution is supported by a majority of those persons

present and qualified to vote and is approved by the local authority, the community council shall be deemed to be dissolved and all assets remaining, subject to the approval of the local authority, after the satisfaction of any proper debts or liabilities shall transfer to the local authority who shall hold same in Trust for a future community council representing that area.

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

Where for any reason, the number of community council members falls below the minimum specified in the Scheme for the Establishment of Community Councils the local authority may, by suspending the Constitution of the community council, cause the community council to be dissolved and in this event, the procedures for the establishment of a new community council being those identified in the immediately preceding paragraph hereof, shall be initiated.

21. Approval and adoption of the Constitution

This Constitution was adopted by

.....COMMUNITY COUNCIL, on
.....

.....	Signed:	Chairman
.....		
.....		Member
.....		Member
.....		Date

and was approved on behalf of West Lothian Council on

.....		
.....	Signed	
.....	Date	

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

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

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

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

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 Councils Scheme for the Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

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

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. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

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 Council's Scheme for the Establishment of Community Councils and this Code of Conduct.

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 Councils 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 for the Establishment of Community Councils as set out by your local authority under the terms of the Local Government (Scotland) Act 1973 may be reported to your local authority 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. 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.

COMMUNITY COUNCIL NAMES, SIZES AND POPULATIONS

Name of Community Council	Minimum and Maximum Number of Elected Members of Community Council	Approximate Population (2012 estimate) Covered by Community Council
1. Addiewell/Loganlea	4-18	1416
2. Armadale	4-18	11621
3. Bathgate	4-18	20831
4. Bellsquarry & Adambrae	4-18	1886
5. Blackburn	4-18	5472
6. Blackridge	4-18	2174
7. Breich	4-18	541
8. ♦Bridgend	4-18	1005
9. Broxburn	4-18	10318
10. ♦Carmondean	4-18	5418
11. Craigshill	4-18	6742
12. ♦Deans	4-18	4944
13. Dechmont	4-18	966
14. Dedridge	4-18	7454
15. East Calder & District	4-18	5353
16. Ecclesmachan & Threemiletown	4-18	370
17. Eliburn	4-18	6019

18. Fauldhouse	4-18	4968
19. #Greenrigg	4-18	1051
20. ♦Howden	4-18	3273
21. Kirknewton	4-18	2340
22. Knightsridge	4-18	4564
23. Ladywell	4-18	6243
24. Linlithgow & Linlithgow Bridge	4-18	13965
25. Livingston Village	4-18	2664
26. Longridge	4-18	1233
27. Mid Calder	4-18	3439
28. Murieston	4-18	5764
29. Newton	4-18	262
30. Philpstoun	4-18	561
31. Polbeth	4-18	2687
32. Pumpherston	4-18	1232
33. Seafield	4-18	1455
34. Stoneyburn	4-18	2014
35. Torphichen	4-18	846
36. Uphall	4-18	4844
37. Uphall Station	4-18	879
38. West Calder & Harburn	4-18	3415
39. Westfield & Bridgehouse	4-18	862

40. Whitburn	4-18	12284
41. Winchburgh	4-18	2615

◆ No Community Council Currently in Operation

New Community Council to be set up following adoption of new scheme

WEST LOTHIAN COUNCIL
COMMUNITY COUNCIL
GUIDANCE DOCUMENTS

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SECTION 1 – LEGAL LIABILITY OF COMMUNITY COUNCILLORS

It is important that community councillors are aware of their legal liabilities and these are explained in the section below. In addition, West Lothian Council is keen to support community councils in this and will happily provide legal advice and clarification.

Legal Status

Community councils were created as part of the Local Government (Scotland) Act 1973 but their legal status is not defined anywhere in legislation. Although they are described as “statutory” they do not have any rights or protection as an organisation, in the same way as a local authority does.

This means that a community council is seen as a collection of individual elected community councillors. So if any liability is incurred by the community council, this can fall personally or collectively on the individual community councillors. It is in the same sort of position as a club or voluntary organisation.

In recognition of this situation, West Lothian Council arranges insurance to cover all community councils to provide basic cover for common risks. However, all community councils and individual community councillors in West Lothian should always conduct their business in a responsible fashion and be aware that their actions could have potential legal liabilities – both personal and collective.

It should be remembered that a community council can only act collectively. The law does not give individual community councillors any special place to act independently.

An illustration of risk and ways to avoid or reduce them

A court case from 2009/10 shows the potential problems which can arise without giving proper consideration to risks and liabilities (Perman v Members of Largs Community Council).

A former Community Councillor sued the current members of the Community Council for payment of over £8,000.00. He claimed that he had loaned that money to the Community Council to allow it to investigate and pursue a legal issue relating to Common Good Assets. He asked the court to order the community council to pay the money back to him when it decided not to pursue the matter any further. He lost his case after the court had heard days of evidence. The claim was taken against the Community Councillors collectively, and not against the community council, since it had no standing as a separate legal body.

The court decided that there had been no loan made at all, and even if there had been a loan made then only those who were community councillors at the time would have been liable to pay it back.

Some of the lessons to be learned from the circumstances of the case and the Sheriff's decision are as follows:-

- Liability of Community Councillors for the debts of the Community Council is personal and is shared amongst those who were incurred the debt. In that respect, Community Councillors are no different to members' clubs or associations or societies.
- That personal liability covers only debts taken on while they are community councillors. They have no liability for debts incurred before or after they take up their positions.

- Minutes of meetings should record the whole proceedings. Business should not be deliberately omitted, so that there is a clear and proper record of the entire proceedings and decisions.
- If there are genuine reasons for not wishing business to be dealt with and recorded publicly, then business can be dealt with in private, subject to the terms of the relevant Scheme, Constitution,/Standing orders and Code of Conduct.
- If a liability is to be taken on then the amount of money involved and the purpose should be clearly minuted.
- Important decisions cannot and should not be taken at informal meetings or unrecorded meetings amongst only some of the community councillors.
- If some authority is to be given to one or some Community Councillors to do something on behalf of the whole Community Council then that authority should be given at a Community Council meeting and it should be clearly recorded exactly what they are being authorised to do.
- Any action taken under that sort of authority should be reported back to a Community Council meeting and minuted.
- Treasurers should be scrupulous in the records they keep to ensure that all transactions are fully recorded and vouched.
- Treasurers and other office bearers should ensure that they are aware of the content of documents they sign, of the reason for money being received or spent, and should ensure that authority has been given by the Community Council for payments to be received and made.

Potential Development of Activities and Liabilities

It is possible that Community Councils might wish to develop themselves further – for example, undertake projects, development work, become employers of staff, or take advantage of policies and developing legislation in relation to community empowerment. The Community Council could then be moving away from the statutory powers of community councils and the financial framework guaranteed by West Lothian Council. This may result in the community councillors moving into areas where they might be personally liable for different risks and liabilities. If developments of this nature are being considered, then community councils and community councillors should discuss these with West Lothian Council before proceeding, and even take independent legal advice.

The main community council objective of representing community views is clear, but the Act also makes provision for the possibility of action in the interests of the community. However, the power to take such action is not clear cut – so if a significant change of purpose is proposed, community councils should take the advice of West Lothian Council and clarify the legal circumstances before embarking on any activity.

SECTION 2 – APPOINTMENT OF NEW MEMBERS BETWEEN ELECTIONS

Is the candidate aged over 18 and is he/she named on the electoral register for the area they wish to join?



YES

The community council can co-opt a candidate subject to the number of co-opted members not exceeding more than $\frac{1}{2}$ of the current number of members.

Notice of the proposed co-option should be given to all members at least 14 days before the meeting when the matter will be discussed.

At least 2/3rds of the members present and voting must agree to the co-option. Co-opted members have full voting rights (except when voting on other co-options) and can hold an office-bearer position. They will serve until the next round of elections, general or interim.



NO

To join a community council as a full member, candidates' names and addresses must appear in the electoral register.

Does the candidate have a particular skill or knowledge?

If so he/she can be appointed as an Associate Member. There is no limit on the number of associate members permitted on a community council. Associate members do not have voting rights and cannot hold office-bearer positions.

SECTION 3 - FILLING OF VACANCIES

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

- When an elected community council members submits his/her resignation
- When an elected member ceases to be resident with the community council area
- When an elected member has his/her membership disqualified

Should a vacancy or vacancies arise on a community council between election the community council can fill the vacancy. This can be done through co-option or by holding an interim election.

As the number of co-opted members is limited and varies from each community council, it is essential that community councils liaise with the local authority before progressing to ensure the vacancy is filled correctly in accordance with the scheme.

Co-option

Where it is established that a community council has the ability to co-opt further members, the following process should be followed:-

- a. The secretary should issue notice of the proposed co-option to all members at least 14 days prior to the meeting when the matter will be decided.
- b. When the matter is considered at the community council meetings, the individual(s) must be elected on to the community council by a 2/3rds majority of the elected (general and interim) community councillors present and voting.

Co-opted members have full voting rights, with the exception of voting on further co-options. They will serve until the next round of elections (general and interim). If an interim election becomes necessary during the term, co-opted members must participate in that process if they wish to continue.

Interim Election

Where it is established that a community council had already co-opted the maximum number of members, an interim election will be necessary to allow any other members to be elected.

The community council will give the council the dates of its next two meetings in order that an interim election can be organised. A timetable will be drawn up by the council and issued to the community council secretary.

In preparation for the 1st meeting of the community council, the agenda notice must include an item "Filling of Vacancies". The agenda must be issued to all members and posted locally at least 7 days before the meeting. Nomination forms will be supplied by the council and made available for this meeting. Small adverts will also be produced for posting locally.

After the closing date for nominations, the council will check and validate all nomination forms. If the number of nomination forms returned does not exceed the number of vacancies available, all

candidates will be elected unopposed. If more nomination forms are received than there are places available, an election will be organised.

The council will set a date for the election and will announce the results as soon as possible thereafter.

SECTION 4 - ROLE OF COMMUNITY COUNCILLORS

As a community councillor, it is important that you recognise from the outset that you are required to play a role in your community. This means not simply offering your own views and opinions on local issues, or taking decisions that are based on your own self-interest.

The role of the community councillor is one that requires you to represent the view of your community, or your section of the community. In practice, this will involve discussing issues with people in the community to clarify their views and assess the strength of their feelings on different topics.

It is also a good idea to encourage people to bring issues to you so that you can take them up at community council meetings. Try to check out the facts, however, before taking matters to the community council, and if there are two sides to the story, make sure both of them are put forward. There is little point in taking up time at a meeting to discuss problems that are based simply on misunderstandings or misrepresentations of the facts.

At some point, it may be that you will find some conflict between your own personal view and interests and those of the community that you are representing. If such a situation arises, try to make sure that the views of the community take precedence. Experience shows that if the views of the individuals of the community council are allowed to take priority then the community will very quickly lose confidence in the community council and its work may subsequently be devalued.

In some instances, it may be necessary and appropriate to declare an interest in the matter under discussion and withdrawn from that debate and decision-making.

The task of any community council is to identify the needs and aspirations of its community and to take decisions that will lead to appropriate action in that community. At some point this might involve setting priorities on the competing or conflicting needs of different sections of the community.

Competition and conflict are normal in any community, so you shouldn't think of them as something that can be altogether avoided. What is important is that you approach competition or conflict in a fair and reasonable manner. This means taking a balanced view of your community's needs and aspirations and giving a fair hearing to representatives from different interest groups in your community. In particular, you should try to avoid being influenced by prejudice or bias, whether in the sphere of race, religion, gender or any other of the "labels" which get attached to people and local issues.

SECTION 5 - ROLE OF OFFICE BEARERS

1. The Role of the Chair

The Chair has perhaps the most important single role to play in ensuring that community council meetings run smoothly. However, even a good Chair will find the task exhausting unless all the members of the community council give the role appropriate respect and support.

The Chair is elected in accordance with the rules set out in the Scheme and the community council Constitution/Standing Orders.

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

In regular meetings, the role of the Chair is a formal one: all speakers will be expected to address their comments through the Chair. This helps the Chair to keep control of the discussion. In meetings, where proceedings need not be so formal, the Chair may be content to simply steer the general direction of discussion – this may be described as an enabling role. The extent to which a Chair adopts one or the other of these will be dependent upon the circumstances at a particular time or occasion. Some of the characteristics of these two approaches are set out below.

Most important of all, the Chair is expected to know the rules by which the community council functions and ensure that at all stages of its work, the community council is operating in accordance with any procedures that are set down. In this context, the Chair may be called upon to act as an arbiter when there is a disagreement about how the rules should be interpreted.

It is important to recognise that the Chair's role extends outwith the meeting itself. The Chair may be called upon to act on behalf of the community council between meetings, or to represent the community council in dealing with outside bodies. This role may also be delegated to the community council to other office bearers or members.

Very often, the Chair is seen as the official spokesperson for the community council and must be seen as authoritative and fair in all of their dealings with outside bodies, groups, individuals and the press.

2. Formal Role and Enabling Role

During meetings, the Chair can be described as having two main roles – formal and enabling. The following table details the various elements of these two roles:-

THE FORMAL CHAIR	THE ENABLING CHAIR
General role and responsibilities	
Ensure fair play	Have an overview of the ask/goals of the meeting
Stay in charge	Help to clarify goals
Remain neutral	Help the group to take responsibility for what it wants to accomplish and to carry out its tasks
Have little emotional investment	
Agenda and timekeeping	
Open the meeting	Run through the agenda at the beginning and get the meeting's approval for it
Introduce all agenda items	Arrange in advance for someone to introduce each agenda item
Be familiar with all agenda items	Update latecomers
Get through the agenda in allotted time	Keep track of the time
Evaluate how the meeting went	
Discussion	
Select speakers	Encourage and help all to participate
Summarise discussion	Encourage expression of various views
End discussion	Encourage people to keep to the subject
Ensure that people keep to the subject	Clarify and summarise discussion
Make it safe to share feelings	Suggest ways of handling conflict
Decision making and voting	
Ensure decisions are taken and agreed	Suggest structures for decision making
Decide when to and conduct the vote	Look for and test areas of agreement
Tasks	
Ensure someone will carry out decisions	Ensure that responsibility for action is allocated
Rules	
Check that the meeting has been called in accordance with the rules	
Have a thorough knowledge of the rules	
Rules on points of order and procedure	
Outside the meeting	
Act on behalf of the organisation	
Pursue decisions made in meetings	
Represent the Council to outside bodies	

3. Role of the Vice Chair

The Vice Chair has no specific duties other than standing in for the Chair when he or she is unable to be present. The Vice Chair post can be a useful preparatory role for a future Chair, by shadowing the current Chair, supporting the Chair in their role, or taking over some of the Chair's workload when necessary or when asked to. This would be particularly applicable where the community council has appointed working groups to work on specific topics.

4. Role of the Treasurer

The Treasurer is responsible for receipt and banking of the annual grant; issuing all cheques; and making payments on behalf of the community council.

The Treasurer must manage the bank account: account for all funds received, and ensure money is only spent in a manner which meets the objectives and approval of the community council and its members as recorded in the formal minutes.

The Treasurer must maintain the community council's financial records so that they disclose, with reasonable accuracy at any time, the financial position of the community council.

All cheques should be signed by at least 2 of the 3 persons authorised to act as signatories by the community council members. These appointments need to be recorded in the minutes and notified to the bank in writing. It is good practice to have more than two authorised signatories, in the event of someone being available at short notice. As a general rule, Treasurers should avoid paying out money except by cheque. This makes accounting for expenditure much easier.

The Treasurer must keep proper accounts of all receipts and expenditure and prepare an Annual Statement of Accounts. The annual accounts must be independently examined by a qualified accountant or by two examiners who are independent of the community council.

The annual accounts must be formally approved at the next AGM when the Treasurer must report and answer any questions raised by members or the public. Once approved, the accounts should then be sent to West Lothian Council to apply for the community council's annual grant paid. An example statement of accounts is provided below.

MODEL ACCOUNTS

.....COMMUNITY COUNCIL

INCOME AND EXPENDITURE ACCOUNT FOR YEAR ENDING 31ST MARCH

INCOME	£'s	£'s
Balance carried forward from previous year	100.00	
Bank Interest	10.01	
Annual Grant	250.00	
Special Project Grant	750.00	
Other Income (eg. fundraising)	50.00	£1160.01
EXPENDITURE	£'s	£'s
Auditors Fees	30.00	
Information Commissioner Annual Subscription	35.00	
Travel Expenses	22.50	
Office Bearer Expenses	100.00	
Administration costs (including postage, copying, stationery, etc.)	116.97	
Other expenditure	36.99	321.46
CLOSING BALANCE		838.55
Represented by		
Cash in Bank		768.55
Cash in Hand		70.00

Prepared by (Treasurer) **Date**

EITHER Auditor's Certificate (For Two Independent Examiners)

We have examined the books and records of Community Council for the period to and have found them to be in order.

Print Name

Signature Date

Print Name

Signature Date

OR Auditor's Certificate (For Qualified Accountant)

I have examined the books and records of Community Council for the period to and have found them to be in order.

Print Name

Signature Date
(Certified Accountant)

Declaration by the Chair

I confirm that these accounts have been approved at the annual general meeting of Community Council.

Signature Date

5. Role of the Secretary

The Secretary is responsible for:

- Compiling the agenda for meetings (in conjunction with the Chair)
- Distributing minutes in advance of meetings
- Taking minutes of meetings, or delegating this to a dedicated Minute Secretary
- Copying and distributing minutes in advance of the next meeting, by post or email
- Answering any correspondence, as agreed by the community council
- Circulating a correspondence list to members along with the agenda
- Public relations, dealing with the media (some community councils delegate this role to the chair or a dedicated media representative)
- Arranging the venue for meetings
- Liaison with officials of the local authority

To be successful, a community council must have an energetic and conscientious Secretary prepared to put in the necessary time and effort. It is more than desirable for all members, but especially the Chair, to spread the Secretary's load, for instance, delegating some of his or her responsibilities for specific areas to other members, i.e. transport, education, health, etc.

It is bad policy to overload your Secretary – you might find difficulty getting volunteers!

It should be considered essential that the Secretary has the necessary skills and capacity to fulfil their responsibilities, e.g. access to computer, knowledge or IT and familiar in the use of emails and the internet.

6. Role of the Planning Secretary

A weekly list of planning applications is made available by West Lothian Council. The Planning Secretary should register to receive the weekly list in order to allow them to assess whether any of the planning applications listed in its area raises issues of local interest. They should also check planning applications in adjacent wards in case they have an impact on their area. It is unlikely that householder applications will raise issues of genuine community interest.

Further details on planning are provided on below.

SECTION 6 – Community Councils and Planning

1. Introduction

This guidance note has been produced to help community councils understand how the planning system works and their role within it.

Since 1996, community councils have had the right to be consulted on applications for planning permission. PAN 47 sets out the roles and responsibilities. The advice note is available on the Scottish Government's website using the following link:-

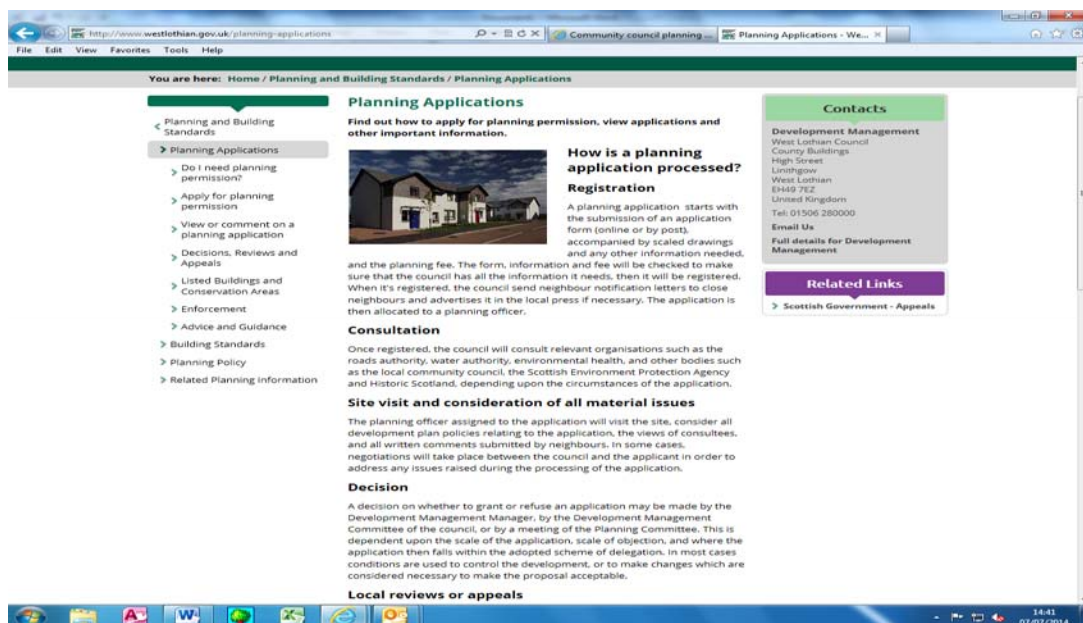
<http://www.scotland.gov.uk/Publications/1996/03/18415/28371>

In 2007, the Scottish Executive issued advice to planning authorities and developers on how communities should be properly engaged in the planning process. PAN 81 shows how everyone can take part in shaping the future of their area by providing advice on how best to listen, engagement and understanding what people want for their area. The advice note is available on the Scottish Government's website using the following link:-

<http://www.scotland.gov.uk/Resource/Doc/169453/0047204.pdf>

2. How to find out about planning applications

The council produces a weekly list of planning applications. This includes any pre-applications consultations. The list can be found on the council's website www.westlothian.gov.uk/planning-applications



Community council planning secretaries must sign up to receive the weekly list. To register to receive the weekly list go to:- <http://www.westlothian.gov.uk/email>

Planning secretaries who do not have e-mail access, should let the Community Council Liaison Officer know in order that arrangements can be made for the weekly list to be sent by post.

3. Role of the Planning Secretary

Upon receiving the weekly list, the planning secretary should assess whether any of the planning applications listed in its area raises issues of local interest. They should then decide whether to be a formal consultee or simply make a representation. The date comments must be submitted by is published in the weekly list.

It is recommended that the planning secretary should also check planning applications in adjacent areas in case they may have an impact in their own area.

4. The Planning Portal

The West Lothian Council planning portal gives full access to planning applications from 2003 onwards. Decisions on applications from 1992-2003 can also be found on the portal. Applications can be found by searching for street names, by application number or by postcode. Alternatively, the applications can be viewed by week or month.

5. Planning Proposals and Applications

Since planning reform took effect in 2009 there has been a greater role for community councils and community engagement in the planning system. This includes early and broad based engagement when preparing planning policies and major development proposals.

The National Planning Framework sets out the Scottish Government's broad proposals for the future land use planning of Scotland

The current version is NPF3 was placed before Scottish Parliament in June 2014. NPF3 sets out the government's development priorities over the next 20-30 years which support the development strategy with a focus on supporting sustainable economic growth and the transition to a local carbon economy. It includes 14 national programmes to deliver the strategy.

Proposals contained in the National Planning Framework are termed 'national developments'. Below national developments in the planning hierarchy are major developments. There are 9 classes of major developments in the hierarchy. For example, 50 or more houses or the development of a site over 2 hectares in size are major developments.

For national and major developments, design and access statements may have to be submitted and there may be additional scrutiny deciding the application, such as a pre-determination hearing and consideration by the full council.

All other development proposals are classified as local developments.

The council also receives applications for works affecting listed buildings, advertisements, conservation areas and the storage of hazardous substances.

6. Pre-Application Consultation

Developers are now required to undertake mandatory pre-application consultation for all national and major developments. Pre-application consultation allows communities to be better informed and to have an opportunity to contribute their views to the developer before a planning application is submitted.

There is no requirement to undertake formal pre-application consultation for local developments but determining community views on the proposed development at an early stage is often a good idea.

7. Proposal of Application Notice (PAN)

A minimum of 12 weeks prior to submission of a national or major application, a proposal of application notice (PAN) must be submitted to the planning authority by the developer. Community councils are encouraged to work with the the developer prior to the submission of the PAN during the pre-application consultation period.

This notice must provide details of the proposal and the pre-application consultation to be carried out.

For the pre-application consultation, as a minimum, the PAN must be served on affected community councils and one public event must be held. There must be publicity for the public event in the form of a newspaper advert at least 7 days in advance. The PAN will also be published in the weekly list.

Sometimes a developer may be asked by the planning authority to undertake additional community engagement depending on the nature, extent and location of the proposed development.

The purpose of the pre-application consultation is to improve the quality of planning applications, mitigate negative impacts where possible, address misunderstandings and air and deal with any community issues that can be tackled.

Community councils and the public generally can make their views known to the developer. Pre-application consultation does not replace the opportunity to comment on planning applications once they have been received by the planning authority.

8. Pre-application Consultation Report

When the planning application is made, the developer must provide a pre-application consultation report, known as a PAC report. Before this happens, developers are asked to give a draft of the PAC report to the community council for their comment. It is important that community councils give feedback as soon as possible. Sometimes there might be a need for further consultation at this stage. The PAC report includes details of who has been consulted, what steps were taken to comply with the statutory requirement, how the applicant responded to comments made, copies of adverts and consultation material and evidence that the public were made aware that the PAC process does not replace the planning application process whereby representations can be made to the planning authority.

9. Permitted Development

Planning permission from West Lothian Council is required for most types of development including certain changes of use of land or buildings. Nevertheless there is a lengthy schedule of types of development that do not require planning permission. This is termed 'permitted

development' and includes works proposed by householders, statutory undertakers and other specific types of development.

10. Speaking up for Communities

It is the statutory duty of a community council to find out what people in the community feel and to express these feelings to the council.

Community councils may wish to consider the following actions:-

- Talk to local people and see if they share the views of the community council
- Contact the local newspaper and ask about publishing an article in the local news section or issue a newsletter describing the proposed development
- Contact your local ward councillors. Community councils should bear in mind that councillors are restricted in what they can do/say in relation to planning applications by the Code of Conduct for Councillors, particularly if they are members of the Development Management Committee or it is a major application which is significantly contrary to the development plan and which will come before a meeting of the West Lothian Planning Committee and Full Council for determination.
- Find out when the particular application is due to be considered by the Development Management Committee. Committee reports are available on the council's website 4 days before the committee. The planning officer dealing with the application will be able to provide you with the timescales for requesting to speak at the meeting.

11. When to submit a representation

Any individual or organisation has the right to submit comments (known as representations) on a planning application. Many community councils submit comments and objections as representations after viewing the application details.

The representation method is generally used where the community council has a clear understanding of local opinion on the proposal, or where the proposal is relatively minor but nevertheless raises a wider local issue. Representations are accepted on the understanding that the views contained therein are the view of the community council. Guidance and advice on commenting on planning proposals is available on the council web site.

PAN47 provides community councils with guidance on their responsibilities in this respect.

A planning authority has to take comments and representations into account in reaching its decision on a planning application, provided that:-

- The representations are made within a specific period, and
- They are material planning considerations

The date of registration or advertisement is shown against each planning application on the weekly list. The newspaper advert, covering a limited number of applications, appears in the West Lothian Courier on a Thursday or the Linlithgow Gazette on a Friday.

12. When to be a consultee

Community councils are automatically be treated as a consultee on national and major developments. In others cases, planning legislation requires a community council to request formal consultation within 7 days of the issuing date of the weekly list.

PAN47 emphasises that consultation should not cause delay in the processing of applications; community councils should organise themselves in a way that allows a response to be made within the consultation period.

Community councils have 21 days to respond, starting from the date of issue of the consultation by the Planning Service. To request a formal consultation, contact the case officer for the application.

PAN47 advises community councils as follows in considering whether to ask to be formally consulted:

“...community councils are advised to limit their attention to proposals which raise issues of genuine community interest; householder applications will rarely involve issues of this kind”.

In accordance with its duty to “ascertain, co-ordinate and express” local views, a community council may decide that it is necessary to arrange a public meeting or some other form of local consultation exercise before it submits its consultation response. In such a situation, the community council may wish to seek an extension to the 21 days consultation period. This is likely to be limited to proposals raising complex or controversial local issues and would not be expected to occur on a regular basis. Community councils must discuss a request for an extension with the case officer for the application and then confirm it in writing, giving reasons. If an extension to the timetable is agreed, the extension period will be specified so that the applicant can be informed.

Letters of representation or consultation can be inspected on the planning portal. They cannot be treated as confidential, although personal details will be redacted.

13. Variation or amendment of applications after submission

Legislation allows applications to be varied after submission with the agreement of the planning authority, provided that the variation is not substantial. A new application would be required to take forward a substantial variation.

The legislation makes it clear that it is for the planning authority to decide what is appropriate regarding notice about the variation to other parties. These changes are often minor and may raise no new planning issues. Many changes address points raised by objectors of planning officers.

Changes can also be made to approved applications provided they do not raise any new material planning issues.

14. Contact with the Case Officer

During the processing of an application, the case officer will endeavour to offer help and advice on progress and procedures. They will be unable to enter into a debate on the merits of the scheme.

Similarly it is inappropriate for case officers to express views about proposals at open meetings or other meetings with interested individuals during the consideration of an application. It is the case officer's duty to remain impartial until all the relevant information has been assessed.

Following a decision, the report and its assessment set out the council's justification for the decision. This is available on the planning portal. There is no right of appeal for community groups after a decision is made.

15. Making the Decision

In West Lothian, the final decisions on planning applications are either taken by the Development Management Committee or to help speed up the process, less complex or non-controversial decisions are delegated to the Head of Planning and Economic Development for decision.

The council is required to create a scheme of delegation which specifies how applications for local developments will be decided. The decision can be reviewed by the Local Review Body of the planning authority rather than by appeal to Scottish Ministers.

Some application types are the subject of mandatory pre-determination hearings and the Regulations prescribe those, other than the applicant, who can appear before and be heard by the committee. Pre-determination hearings take place before the West Lothian Council Planning Committee with the final decision being made by the West Lothian Council (Planning).

Pre-determination hearings are mandatory for major developments where they are significantly contrary to the development plan, and for national developments.

16. Development Plans

Preparation of a development plan is a statutory requirement under the terms of the Town and Country Planning (Scotland) Act 1997. The development plan sets out how places should change and what they could be like in the future. They set out what type of development should take place and where, and which areas should not be developed.

The development plan also gives an indication as to when development is anticipated to be delivered, inform decisions on investment in infrastructure e.g. schools and roads, and is used to inform decisions on planning applications. Development plans must be reviewed every five years.

The current development plan for West Lothian comprises the Strategic Development Plan for Edinburgh and South East Scotland (SDP), approved by Scottish Ministers in June 2013 and the West Lothian Local Plan (WLLP), adopted by West Lothian Council in January 2009. The plan is also supported by a suite of supplementary planning guidance which, where taken forward, will form part of the new development plan.

The West Lothian Local Plan will be replaced by the West Lothian Local Development Plan (LDP). The LDP will set out where most new developments are proposed and the policies that will guide decision-making on planning applications. LDPs generally cover in detail a five year period but also provide an indication of longer term planning strategies. The West Lothian LDP will cover the period 2015 – 24 and beyond.

Community councils are encouraged to get involved in the preparation or review of the development plan to allow communities to shape the planning framework which is used for making decisions on individual development proposals.

Planning guidance is produced to explain the policies and development plan and to guide the development of larger sites. The guidance is considered to be a material consideration in the determination of planning applications, but carries less weight than the development plan. It must be subject to publicity and consultation and is available on the council's website.

17. Help and Advice

For further advice or to make an appointment, please call 01506 280000 or e-mail planning@westlothian.gov.uk

Further information on planning can be available on the council website www.westlothian.gov.uk/planning-and-building-standards

18. Planning Aid for Scotland

If you need independent advice, Planning Aid for Scotland may be able to help. The organisation is a voluntary charitable company which offers free advice to individuals, community councils and other groups. PAS volunteers are qualified and experienced planners who can provide information and advice on all aspects of Town and Country Planning and related issues. Their contact details are:-

Planning Aid for Scotland
11a South Charlotte Street
Edinburgh
EH2 4AS

Tel. 0131 220 9730
Helpline 0845 603 7602
E-mail office@planningaidscotland.org.uk

APPENDIX 1

Summary of the Roles and Responsibilities of Community Councils in the planning system (extract from PAN47)

- Statutory right to be consulted on applications for planning permission
- Represent a broader yet still local view
- Key task is helping to provide an informed local context within which sensible decisions can be made in the public interest
- Appoint one person as their point of contact for the planning authority on all planning matters, provide holiday cover, and inform the authority accordingly
- Community councils should receive copies of the weekly list of planning applications
- May wish to view particular applications in detail and can request formal consultation within 7 working days of the issuing date of the weekly list
- May not seek to be formally consulted – may submit comments (known as representations) like any other member of the public
- Advised to limit their attention to proposals which raise issues of genuine community interest; householder applications will rarely involve issues of this kind
- Ensure method of working allows response within the consultation period (21 days)
- Should not expect to be consulted on very minor changes which are sometimes made to applications either while they are being considered or after they have been approved
- Planning authorities should consider occasional training sessions for community councillors in their area

APPENDIX 2

The Planning Hierarchy

National developments are identified in the National Planning Framework and tend to be proposals for infrastructure developments such as the replacement Forth Crossing.

There are 9 classes of major development which are designated in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, and include proposals such as all development under Schedule 1 of the EIA (Scotland) Regulations 1999 and housing proposals of 50 dwellings or more, or housing sites exceeding 2 hectares.

Local developments are designated as those which are not national or major developments, and tend to be of a smaller scale.

SECTION 7 – UNDERSTANDING AND ACHIEVING COMMUNITY ENGAGEMENT

Community engagement is about making sure that people can get involved and take part in a range of ways in the planning, development and delivery of services. It goes further than informing and consulting local people by seeking to enable communities to take an active part in influencing decision making and service delivery.

The Standards for Community Engagement define community engagement as *'Developing and sustaining a working relationship between one or more public body and one or more community group, to help them both to understand and act on the needs or issues that the community experiences'*.

Community Councils have a vital role to play in community engagement at local level. It is important that Community Councillors are aware of their responsibilities in engaging with their communities and the ways in which to do it. Community Councils must be equipped with the knowledge and have access to the appropriate tools to enable them to wholly represent the views of their community as a result of genuine community engagement activity.

Community Councils ability to undertake effective community engagement depends on the following;

- Understanding what community engagement is and the spectrum of activity within it is central to the ability of Community Councils to engage with their communities effectively and therefore represent their interests.
- Understanding why we need to engage with communities; the legislative and policy context behind it, the benefits to engagement what we want to achieve by engaging with communities.
- Being clear about who to engage with. Community Councils have a defined geographical community however it is important to recognise the different groups and individuals within that.
- Understanding the range of methods and techniques for engaging with communities and how to plan these around the needs of particular groups in the community.

A Community Engagement Toolkit has been developed in West Lothian as a practical resource for anyone that wants more information on how to carry out effective community engagement. This can be used by Community Councils in helping them to plan and carry out community engagement in the ways that suit members of their community. The toolkit is being finalised and will be published on the council's website. A link to the document will be issued to all community council secretaries.

SECTION 8 - CONSULTING WITH YOUR LOCAL AREA

You have a responsibility to communicate with all the residents living in your community. You should do this regularly and effectively to be able to claim that you represent their views and needs, and not the personal opinion of community councillors. There are two parts to this duty – seeking their views and keeping them informed of your work as their elected representatives.

This is a positive duty. Fulfilling it will immensely improve the service you give to the community. Here are some examples:-

- Ensure your council is giving you the support you need to fulfil your duty
- Include main contact details in every piece of paper, e-mail, etc., that is issued from your community council. Always invite contact and encourage feedback.
- Create a community council website and publish agendas, minutes, consultations, etc. Contact details should be published on the website to ensure that members of the public can contact the community council easily.
- Collate a Citizens' Panel type circulation list of e-mail addresses for local constituents. Ask for permission to send e-mail bulletins seeking their views on proposals and reporting on actions.
- Display contact details for the community council in public buildings in your area. Include information on what you do and how you can help.
- Secure space in the local news section of the local newspaper. Publicise your work and invite comments.
- Submit articles to the council for publication on its Facebook and Twitter pages.
- Invite the local press to attend your meetings and issue press releases on matters of local interest. Consider appointing a press liaison officer to undertake this role.
- Whenever you have a change of office-bearer, let the council's CCLO know. This will help to ensure that the council's officers are contacting the correct person and avoid important deadlines from being missed.
- Issue a community survey once per year. Ask questions about the community's perception of you, of their community and their quality of life. Ask what they think should be done to improve the area. Find out what their priorities are. Be sure to include questions on the issues that are important to your constituents even if these are not yet fully known.
- Consider shorter, faster surveys on individual issues of significant local importance where timescales permit. The response will be very important in helping you demonstrate how you speak for the community.
- Hold public meetings when there is an issue of significant local importance. Monitor the attendance in terms of whether it representatively reflects the community – age, sex, area of residents, numbers in attendance and so on.
- Place suggestion boxes in prominent, local venues to allow citizens to make comments and/or suggestions on how to tackle a local issue or generally better the community. Always respond to comments left when the person gives contact details. Regularly report comments at community council meetings.

- If possible, deliver flyers door to door. This is a great way for community councillors to get to know their constituents and vice versa.
- Word of mouth and informal personal contact is a common practice and has its place. It is the least objective method of discovering the community's views and should not be relied upon wholly when the community council make important decisions.

Remember

- Always make it as easy as possible for the public to contact you by publishing a mixture of contact addresses, phone numbers and e-mail details for office-bearers. Do not assume that everyone has computer access – there must alternative contact methods to ensure that the community council is accessible to everyone it represents.
- Always seek comments and opinions from the community.
- Always evaluate your effectiveness
- Never let the personal opinions of individual community councillors replace the views of the community.
- Always adhere to the principles of the Code of Conduct for Community Councillors.

SECTION 9 - CAMPAIGNING ON THE ISSUES

Community councils are presented with a large variety of issues and problems. Some will affect a single member of the community and others the entire community and beyond. Your community council must try its best to make a balanced decision on what issues it will tackle and how.

- Start by applying the “community benefit test”. Your actions should be directed towards securing the most positive results for the greatest number of local people, so long as the minority does not suffer in the process. When faced with a number of issues, give first and most attention to those that affect the most people and on which you can realistically have a positive effect.
- Begin by gathering information. Decisions made without information, by prejudging the issue or by making assumptions are bad for your community and your reputation. Find out the key points and then find out what local people feel about it.
- Base your community councils position on the views of or the benefit to the majority of citizens.
- Be honest and realistic about whether you can do something about the issue. What influence can you have on the issue and those involved? Can you secure professional advice on technical aspects that will help to make your case? Research the person/organisation you wish to influence? How can you engage with them to reach the desired outcome of the community council?
- Decide what results you want. Be specific. Know why you want each result and exactly how they will meet the conditions about benefit to the community.
- Figure out how to reach those objectives, and monitor your activity. Assess how you can tell when you’ve achieved your objectives.
- An issue does not need to have only two opposing sides – your community council could be an independent mediator bringing both sides together.
- Avoid allowing the community council to become a vehicle for any campaign that is not the evident will of the majority of the community council. When that is established, maintain that position and do not let your community council become the venue for constant debate about the issues merits. Single issues should not be allowed to overwhelm your meetings.
- When you have determined the official position of your community council on an issue, you should not alter it unless there is a material change in circumstances or evidence.
- A community councillor who becomes publicly associated with a particular position in a way that may be seen to prejudice the community council on an issue must declare an interest to the community council and take no part in the activity associated with it.
- You may choose to appoint a special committee to co-ordinate action on a particular issue with appropriate delegated authority. Make sure the committee has a clear remit and set clear instructions on what it can and cannot do without prior approval of the whole community council.

SECTION 10 - REPRESENTING YOUR COMMUNITY

Communities want to see how their views are being reflected in the decisions made on their behalf by community councils. This can be achieved in a number of ways:-

- **Minutes** - should accurately reflect the business at the meeting and the decision that was reached. This decision should be made on the basis of community opinion (evidenced where possible) to clearly show both the local community and other outside bodies, such as the local council, that the community have been consulted, listened to and that the views accurately reflected.
- **Meetings** – this is the clearest way for community council to share the known views of the community and to demonstrate to those in attendance that they are being listened to.
- **Public meeting called for a specific purpose** - will again demonstrate that the public are being listened to and consulted on their concerns and that where appropriate, action is being taken on their behalf.
- **Attendance by community councillors at other meetings** – attendance at meetings should be recorded in the minute where community councillors have attended on behalf of their community. Issues/opinions expressed by the community councillor should be reported back to the community via the community council minutes.
- **Newsletters/Public Notices** – these are a good means of engaging and sharing information. They are also a good way of gathering local views and identifying how local views have helped to shape the view of the community council.
- **Membership** – encourage membership from across the geographical community council area reflecting the make-up of the community it represents.
- **Communication Channels** – a community council should make sure that it has the communication channels in place to pass on local opinion to decision makers. These are usually established by public sector organisations who are required to consult/engage with the community but such channels may not have been set up between local groups where the representation of a local opinion is just as important. Examples of communication media include notice boards, local shops, suggestion boxes, the internet, etc.
- **Consultation** – it is important for community councils to represent local views through various mechanisms including consultations where possible.
- **Availability of Information** – all community council information produced should be available as widely as possible and easily accessible. It is important that the community council seeks out the most effective ways to engage with the residents. Members of the public can inform the community council of points which they would like to be discussed and make their views know.

- **Establishing Views** – community councillors should canvass local opinion but be careful not to be perceived as orchestrating campaigns unless endorsed by the community. Community councils are aware that it is often only a vocal minority who make representations. The community council should seek to represent the views of the whole community.

SECTION 11 - IMPROVING AND ENCOURAGING YOUTH MEMBERSHIP

A community council's primary function is to ascertain and express the views of the community they seek to represent and based on these views take appropriate action. It is important that all sections of the community are properly represented and have the opportunity to participate in the local democratic process. This includes young people.

Ever since they were established, many community councils have struggled to attract and sustain the involvement of young people. Research carried out by the then Association of Community Councillors in Scotland a number of years ago showed that the average age of community councillors in Scotland was around 58 years old.

Article 12 in the United National Convention for the Rights of the Child states that young people who are capable of forming their views should have the right to express these views freely. The inclusion of youth members on community councils provides equal opportunities for young people in local democratic decisions through community councils.

In recognition of this and to allow young people to become fully involved in the work of community councils, the council extended its scheme in 2005 to allow 2 youth members per community council. This practice was continued in the 2009 scheme. It remains in the new 2015 scheme although the maximum number of youth members per community council has been increased to 4.

Youth members must be aged between 14-18. They will be asked to provide evidence of their home address to the Returning Officer as their details will not necessarily appear in the electoral register.

Youth members have full voting rights and can hold an office-bearers position. The only exception to this is the post of treasurer which must be filled by a member aged 18 or over due to banking restrictions.

Youth members are in addition to the membership numbers and count towards the quorum for a meeting.

A separate nomination pack is available for youth members.

SECTION 12 - TRAINING AND DEVELOPMENT OF COMMUNITY COUNCILLORS

General community council training will be organised for community councillors annually. Annual questionnaires will be issued to all community councils to identify their training needs to ensure that the training being offered is relevant to their needs.

Regular planning training is also arranged to take place every 2-3 months with dates notified to all secretaries in advance.

SECTION 13 - WEST LoTHIAN ASSOCIATION OF COMMUNITY COUNCILS

The West Lothian Association of Community Councils was set up in 1998. Its aims and objectives are:-

- 1.1 To facilitate the exchange of information between Community Councils in West Lothian.
- 1.2 To ascertain the views of its member Community Councils on all issues which concern them, to provide a forum for discussion of these views, and to communicate them to local and central government, other public bodies and the general public.
- 1.3 To increase the collective influences of Community Councils and strengthen their identity across West Lothian.
- 1.4 To promote and organise co-operation in the achievement of the above purposes and to that end bring together representatives of the community councils operating in West Lothian, and to do all things as will properly attain the above.
- 1.5 To foster community spirits and assists the communities charitable purposes.
- 1.6 The West Lothian Association of Community Councils will take no action, which is detrimental to the independence of any Community Council.
- 1.7 The West Lothian Association of Community Councils will be non-part in politics, and will not tolerate discriminatory practices.

Membership of the Association is open to all community councils in West Lothian. Each community council has one vote at Association meetings but up to two representatives from their membership may attend meetings.

The Association meets on the 4th Thursday of every month (excluding July and December) in the West Lothian Civic Centre, Livingston at 7.00pm. All community councils are encouraged to get involved with the Association and ensure it is providing services appropriate to the needs of the community councils it represents.

SECTION 14 - EQUALITY AND DIVERSITY

1. Introduction

The purpose of this document is to make clear:

- Why Community Councils need to be aware of the general responsibilities relating to the Equality Act (2010); and
- How they can play a significant part in promoting and supporting equality in the community.

2. Background

The Equality Act (2010) legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws (Sex Discrimination Act (1975); Race Relations Act (1976); Disability Discrimination Act (1995)) with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

The Act was amended to include the [public sector equality duty](#) in April 2011 – this is often referred to as the general duty. The public sector equality duty states that Scottish public authorities must have 'due regard' to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

The main purpose of a Community Council is to find out the views of their community and clearly express them to the Local Authority and other relevant public organisations. Some also find themselves involved in fundraising, organising community projects and other such activities. Community Councils therefore have both a responsibility to ensure that they represent all within their community irrespective of protected characteristics. Community Councils must act in accordance with the Equality Act (2010).

3. Equality Act (2010)

The Equality Act (2010) outlines following characteristics are protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics. There is also protection against discrimination where someone is perceived to have one of the protected characteristics or where they are associated with someone who has a protected characteristic. The definitions of each of the protected characteristics can be found below:

3.1 Age

This protected characteristic refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

3.2 Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

3.3 Gender Reassignment

A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing, or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

3.4 Marriage or Civil Partnership

A person has the protected characteristic of marriage and civil partnership if the person is married or is a civil partner. In Scotland marriage is no longer restricted to a union between a man and a woman but now includes a marriage between same-sex couples. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples.

3.5 Pregnancy or Maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

3.6 Race

Race refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

3.7 Religion or Belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

3.8 Sex

Sex refers to how an individual identifies as a man or a woman.

3.9 Sexual Orientation

Sexual orientation refers to whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

4. **Community Councils and Equality**

There are various ways in which community councils can support and promote equality and diversity. Some key examples include:

- Find out about the population make-up of the area – for example how many people of different races or with disabilities live in the area? Is the work of the community council taking this diversity into account?
- Ensure that any advertising or promotions for the Community Council are inclusive to all, and that meetings take place in accessible buildings at times that are as inclusive as possible.
- You may need to make a particular effort to hear from or engage ‘hard-to reach’ groups – help to do this is likely to be available from your community council liaison officer or from Voluntary Sector Gateway West Lothian.
- If organising or participating in local events in partnership with community groups, you may want to include West Lothian Council supported Equality Forums (further details at 5.3).
- Act in an inclusive manner when inviting speakers from community groups to discuss difficulties they are experiencing in the community with the community council.
- Make it clear that the community council will not support any discrimination, harassment or victimisation.

5. Further Information

Further information or guidance in relation to equality and diversity is available from the following sources:

5.1 Equality and Human Rights Commission

This is the national, independent organisation responsible for ensuring that organisations comply with equality and diversity legislation and guidance:

<http://www.equalityhumanrights.com/about-us/devolved-authorities/commission-scotland>

5.2 Equality Advisory Service

The Equality Advisory Service provides information and guidance to individuals on their rights and responsibilities in relation to equality and discrimination issues:

<http://www.equalityadvisoryservice.com/>

5.3 West Lothian Equality Forums

The Forums exist to promote equality and good relations within the community. Forums are supported at the moment in relation to disability, ethnicity and women’s inequality. A young people’s LGBT group and a Faith Network, bringing representatives of different faiths in West Lothian together, are also supported.

For further information please contact E: diversity@westlothian.gov.uk

SECTION 15 – NOMINATION FORMS



.....COMMUNITY COUNCIL

NOMINATION FOR ELECTION

CANDIDATE		
FULL NAME	ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)	ELECTORAL REGISTRATION NUMBER (i.e. LVL1E 123)
TEL. NO:	E-MAIL:	

PROPOSER			
FULL NAME	SIGNATURE	ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)	ELECTORAL REGISTRATION NUMBER (i.e. LVL1E 456)

ASSENTOR			
FULL NAME	SIGNATURE	ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)	ELECTORAL REGISTRATION NUMBER (i.e. LVL1E 789)

I CONSENT TO BEING NOMINATED AND IF ELECTED I ACCEPT OFFICE AS A COMMUNITY COUNCILLOR.

I ACKNOWLEDGE THAT IF APPOINTED AS A COMMUNITY COUNCIL OFFICE-BEARER, IT IS ESSENTIAL THAT I CAN BE CONTACTED BY MEMBERS OF THE COMMUNITY REGARDING COMMUNITY COUNCIL BUSINESS.

I ACKNOWLEDGE THAT IF APPOINTED AS A COMMUNITY COUNCIL OFFICE-BEARER, WEST Lothian COUNCIL WILL BE ENTITLED TO USE AND PUBLISH MY NAME AND CONTACT DETAILS (EXCLUDING EX-DIRECTORY TELEPHONE NUMBERS AND E-MAIL ADDRESSES, EXCEPT WITH MY CONSENT) TO PROVIDE A POINT OF CONTACT WITH THE COMMUNITY COUNCIL, TO PRODUCE COMMUNITY COUNCIL CONTACT LISTS IN COMPUTERISED OR PRINT FORM, OR FOR PUBLICATION ON THE INTERNET ON THE COUNCIL'S WEBSITE.

Signature

Date

Return form to:-

Returning Officer (Community Councils)
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Notes -

- (i) Electoral registers can be viewed at all main council office, Partnership Centres/Council Information Service Offices and libraries. Alternatively, you can telephone the Electoral Registration Officer on 0131 344 2500 who will provide you with your register number.
- (ii) If you require any assistance in completing the form, please contact the Community Council Liaison Officer on 01506 281609.

For official use only

Date Nomination Received	Time Received	Initials of Receiving Officer	Valid/Invalid



.....COMMUNITY COUNCIL

NOMINATION FOR CO-OPTION

CANDIDATE			
FULL NAME	ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)		ELECTORAL REGISTRATION NUMBER (i.e. LVL1E 123)
TEL. NO:		E-MAIL:	

PROPOSER			
FULL NAME	SIGNATURE	ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)	ELECTORAL REGISTRATION NUMBER (i.e. LVL1E 456)

ASSENTOR			
FULL NAME	SIGNATURE	ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)	ELECTORAL REGISTRATION NUMBER (i.e. LVL1E 789)

I CONSENT TO BEING NOMINATED AND IF ELECTED I ACCEPT OFFICE AS A COMMUNITY COUNCILLOR.

I ACKNOWLEDGE THAT IF APPOINTED AS A COMMUNITY COUNCIL OFFICE-BEARER, IT IS ESSENTIAL THAT I CAN BE CONTACTED BY MEMBERS OF THE COMMUNITY REGARDING COMMUNITY COUNCIL BUSINESS.

I ACKNOWLEDGE THAT IF APPOINTED AS A COMMUNITY COUNCIL OFFICE-BEARER, WEST LOTHIAN COUNCIL WILL BE ENTITLED TO USE AND PUBLISH MY NAME AND CONTACT DETAILS (EXCLUDING EX-DIRECTORY TELEPHONE NUMBERS AND E-MAIL ADDRESSES, EXCEPT WITH MY CONSENT) TO PROVIDE A POINT OF CONTACT WITH THE COMMUNITY COUNCIL, TO PRODUCE COMMUNITY COUNCIL CONTACT LISTS IN COMPUTERISED OR PRINT FORM, OR FOR PUBLICATION ON THE INTERNET ON THE COUNCIL'S WEBSITE.

Signature

Date

Return form to:-

Returning Officer (Community Councils)
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Notes -

- (i) Electoral registers can be viewed at all main council office, Partnership Centres/Council Information Service Offices and libraries. Alternatively, you can telephone the Electoral Registration Officer on 0131 344 2500 who will provide you with your register number.
- (ii) If you require any assistance in completing the form, please contact the Community Council Liaison Officer on 01506 281609.

For official use only

Date Nomination Received	Time Received	Initials of Receiving Officer	Valid/Invalid

COMMUNITY COUNCIL
YOUTH MEMBER INFORMATION
AND NOMINATION FORM

West Lothian Council has included provision in it's Scheme for Establishment of Community Councils to allow young people of 14 years of age and over to be involved in the work of community councils.

Every community council in West Lothian is entitled to have up to four youth members. Youth members have full voting rights and can even become an office-bearer (except for the post of Treasurer where you must be 18 due to banking restrictions).

To join your local community council as a youth member, you must be between 14-18 years of age. You will have to complete the nomination form overleaf and if you are under 16, your parent or guardian will need to sign the form to give their consent to you joining the community council.

As long as there is a youth member vacancy on the community council in the area where you live, your nomination form will be processed and you or your parent/guardian will be asked to provide the council with copies of the information referred to in the nomination form to ensure you live in the area you wish to join.

If there are no youth member vacancies, your details will be kept on file and you will be invited to join as and when a space becomes available. Until such times as a vacancy arises, the community council may agree to let you join in as an associate member. However, you would not be able to vote on any matters as an associate member or hold an office-bearer position.

If you would like further information before joining, please contact the council's Community Council Liaison Officer on 01506 281609 or e-mail lorraine.mcgrorty@westlothian.gov.uk

West Lothian Community Councils - Youth Member Nomination Form

Name: _____

*Address: _____

Postcode: _____

Tel. No: _____

E-mail: _____

*Date of birth: _____

Your signature: _____

Today's date: _____

*If we contact you to say you can become a youth Community Councillor, before you start, you will need to provide us with:

- a copy of your birth certificate or passport as proof of age; and
- a copy of a utility bill, or similar, from your parent/guardian as proof of residence

If you are under 16, you must get your parent or guardian to sign the consent statement below.

"If their nomination is accepted I hereby consent to the above named becoming a youth community councillor."

Print name: _____

Signature: _____

Date: _____

Nomination forms should be returned to:
Returning Officer (Community Councils)
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston EH54 6FF