

# COMMUNITY COUNCIL GUIDANCE NOTES





## Community Council Guidance Notes

An Introduction to Community Councils .....	2
Role of Community Council Chairperson .....	4
Role of Community Council Secretary .....	5
Role of Community Council Treasurer .....	7
Financial Good Practice for Community Councils .....	9
My Role as a Community Council Member .....	14
New Community Councils .....	15
Conducting Community Council Meetings .....	17
Dealing with Disputes .....	20
Engaging with the Community .....	22
Top Tips for Publicity & Engagement .....	26
Campaigning on the Issues .....	28
Conflict of Interest .....	30

## Equalities

Equalities Guidance Note .....	31
--------------------------------	----

## Licensing

Community Councils and the Licensing Process .....	33
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## Planning

Community Councils and the Planning Process .....	35
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## Key References

Scheme for Community Councils .....	47
Code of Conduct .....	60

# An Introduction to Community Councils

## 1. What is a Community Council?

Community councils are groups of people who care about their community and want to make their area a better place to live. They meet, usually once a month, and their chief role is representative; to consult the local community and to put forward these views to the local authority and other organisations including Scottish Government, NHS Lothian and Police Scotland. The local authority, in turn, has a duty to consult community councils on how local services are delivered and other issues affecting their neighbourhoods. Community councils have the right to be consulted on any planning applications in their areas and are also kept informed about licensing applications.

## 2. Background

Community councils were introduced through the Local Government (Scotland) Act 1973. The Act defined the purpose of a community council as:

*“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.”*

## 3. Activities

There is a great variety of activity undertaken by community councils to represent their communities. Community councils will regularly:

- write letters and emails following a meeting of the community council in order to highlight an issue
- attend meetings with public officials to discuss local issues
- hold public meetings either at regular intervals or in response to a specific issue, or to find out what are the areas of concern within the community
- Monitor the upkeep of the area
- carry out surveys in the area, typically by using questionnaires
- meet with other community councils or other community groups
- co-ordinate and submit responses to draft policy reports or consultation documents
- receive and respond to enquiries and problems raised by members of the public
- send representatives to attend a meeting of a Neighbourhood Partnership, Advisory Group or Regeneration Partnership
- produce a newsletter and distribute it to all homes in the area
- post information regarding meetings and activities on notice boards, websites or other forms of social media
- arrange for public officials or others to attend future meetings of the community council
- arrange community events such as gala days, fetes, or clean up days to promote the community council and foster good relations within the community.

Community councils often take part in activities such as clean-ups and other projects which might benefit their area, either working on their own or in partnership with other agencies.

A community council can act as a campaigning body in raising awareness of specific local issues. They can be particularly useful in co-ordinating smaller, local organisations to ensure that resources aren't being wasted and that several groups aren't all trying to do the same job.

### **3. Community Councils in Edinburgh**

Community councils already established in Edinburgh range from rural communities to inner city neighbourhoods. Community council representatives are volunteers, and are elected for a period of 3 years. Each community council receives an annual grant from the City of Edinburgh Council intended to cover its administrative expenses.

Community councils have a statutory right to be consulted on local planning issues. The City of Edinburgh Council's Planning Service sends out a weekly list of all planning applications submitted. While there is no statutory requirement for local authorities to consult them on licensing matters, community councils are considered as 'competent objectors'. They may appoint representatives to attend meetings of the Licensing Board and speak in support of objections.

### **4. Establishment**

Community councils are established in accordance with the Local Government (Scotland) Act 1973 and have certain statutory roles and powers. Local Councils are required by law to set up a scheme to allow the establishment of community councils.

The Scheme also provides information on the rules and regulations governing community councils such as election procedures, boundaries and membership. Ultimately, it is entirely a matter for any community to decide if they want a community council in their area. Some neighbourhoods feel that they are already well represented by tenants and residents associations or other groups.

However, should people living in an area decide to form a community council, all that is required is that at least 20 people who are on the electoral roll for that area sign a petition requesting that the City of Edinburgh Council takes the necessary steps to organise an election to establish a community council. At that point, a report will be prepared to go to the Communities and Neighbourhood Committee of the Council recommending the adoption of a timetable for the election.

For more information see [www.edinburgh.gov.uk/communitycouncils](http://www.edinburgh.gov.uk/communitycouncils)



## Duties of the Community Council Chairperson

### 1. Introduction

Each community council has several 'Office Bearers'. Office Bearers are elected from within the membership. The principal offices are: Chairperson, Secretary and Treasurer. While all members of a community council should familiarise themselves with the Scheme for Community Councils and the Constitution it is especially important that the Office Bearers have a thorough knowledge of these documents. This guidance note deals with the duties of the Chairperson.

### 2. Representing the Community Council

The Chairperson is the chief representative of the community council. Periodically he/she may be asked to speak to other groups about the work of the community council. Also, if the community council wishes to send a delegation to the City of Edinburgh Council (e.g. to object to a planning application) it may be appropriate that the Chairperson lead the delegation. Finally, although it is not a very common occurrence, the local press might wish to ask the views of a community council on local issues; again, this is the kind of situation where the Chairperson would normally *represent* the community council.

### 3. Ensuring That Meetings Are Properly Convened

The great majority of preparation needed for a community council meeting is the responsibility of the Secretary. Nevertheless, the Chairperson must liaise with the Secretary before agendas and other documents are distributed to the members. The Chairperson and the Secretary should discuss what items are to come up at each meeting and prepare the agenda accordingly. (The Chair and Secretary should agree with the other members how items get on to the agenda, the timescale for submitting ideas etc).

### 4. Ensuring That Meetings Are Properly Conducted (In Accordance With The Scheme And Constitution)

The major responsibility of the Chairperson is to preside over all meetings of the community council. (Most community councils also elect a Vice-Chairperson who can take over in this capacity when necessary). Along with the Secretary, the Chairperson is responsible for ensuring that community council meetings are run in accordance with the terms of the Constitution and Scheme for Community Councils. For example, prior to any meeting starting the Chairperson should check that sufficient elected and nominated members are present to form a quorum. (See the 'Scheme for Community Councils', para 9).

During meetings, the Chairperson will ensure that the agenda is followed. He/she will ensure that each item is settled before passing on to the next one. The Chairperson will conduct voting and, where necessary, explain the details of the Scheme or Constitution as relates to any issue discussed. The Chairperson will rule on the competence of motions and other business. Finally, he/she will guide the discussion and maintain order at all times during the meeting.

## Duties of the Community Council Secretary

### 1. Introduction

Each community council has several 'Office Bearers'. The principal offices are: Chairperson, Secretary and Treasurer. While all members of a community council should familiarise themselves with the Scheme and the Constitution it is especially important that the Office Bearers have a thorough knowledge of these documents. This guidance note deals with the duties of the Secretary.

### 2. Point of Contact

While the Chairperson may be more likely to *formally* represent the group, the Secretary is usually the first point of contact for anyone who wishes to get in touch with the community council. The Secretary will receive all correspondence for the community council and will be required to carry out correspondence on behalf of the community council. It is important, therefore, that the Secretary keeps informed about everything that the community council is doing. If any other member undertakes work on behalf of the community council, the Secretary should ensure that he/she knows about it and receives copies of any relevant paperwork; after all, it is the Secretary who people will contact for information on all aspects of the community council's work.

### 3. Basic Responsibilities

Of all the Office Bearers appointed by a community council, the Secretary will normally be the busiest. One of Edinburgh's long-serving community council Secretaries described his role as being "...responsible for the day-to-day administration of the community council when it is not actually meeting, i.e. 99.9% of the time." The most common duties are:

- Acting as first point of contact for the community council
- Liaising with the Chairperson in preparing agendas
- Distributing agendas, minutes and all relevant documents prior to meetings
- Organising meetings, from booking the venue to ensuring there are enough seats
- Providing all necessary documents required for meetings
- Having to hand all necessary information to help ensure smooth running of meetings
- Recording voting
- Recording meetings (see below)
- Carrying out all correspondence as is required by the community council

#### **4. Taking and Recording Minutes**

The written record of a meeting is called a Minute. All community council meetings must be minuted. The job of taking the minute usually falls to the Secretary. (Some community councils appoint a separate Minutes Secretary but either way it is the Secretary's responsibility to ensure that the minutes are taken). The minute must record the following information:

- Status of the meeting (e.g. ordinary meeting, AGM, sub-committee meeting)
- Date, venue and time
- Who chaired the meeting
- List of those who attended (members of the public needn't be named individually but the number attending should be noted)
- Apologies
- Acceptance of the last minute and any Matters Arising

In recording the main business of the meeting it's best to keep it brief. The important thing is to pay attention to decisions reached and any dissent voiced. These must appear in the minutes. No one expects (or wants) a verbatim account of everything which was said. There's no need to include statements that did not relate to the final decision. While a meeting is in full flow it can be difficult to try and get everything down. Don't worry about recording everything perfectly at the time, just concentrate on putting down:

- The subject under discussion
- The main points of arguments, for and against
- Any major disagreements
- Details of voting, where applicable (remember, not *all* members have voting rights)
- Decisions reached (e.g. who will do what, and when)

#### **5. Distribution of Agendas Minutes etc.**

Having taken notes at a meeting, it is always advisable to type up the minute *very* soon afterwards. (Otherwise you are likely to find that you can't read your own notes and don't remember what went on!) Minutes are usually sent out at the same time as the agenda for the next meeting. As is mentioned above, the Secretary and Chairperson will usually liaise to decide the items to be included on the next Agenda. Minutes should be distributed to everyone at the same time. (Please note that a copy of each set of minutes must also be sent to the Community Council Liaison & Development Officer). The Secretary should ensure that both agendas and minutes are widely distributed. (See the Scheme for Community Councils, para 3)

## Duties of the Community Council Treasurer

### 1. Introduction

Each community council has several 'Office Bearers'. Office Bearers are elected from within the membership. The principal offices are: Chairperson, Secretary and Treasurer. While all members of a community council should familiarise themselves with the Scheme and the Constitution it is especially important that the Office Bearers have a thorough knowledge of these documents. This guidance note deals with the duties of the Treasurer. Another guidance note titled, "Financial Good Practice for Community Councils" has been produced for the attention of Treasurers and *all* members of the community council.

### 2. General Responsibilities

The Treasurer is principally responsible for looking after the community council's funds. He/she must keep accurate records of all financial transactions and these records must be made available for inspection on request. It is common practice for the Treasurer to make a 'report' at each meeting along with the other Office Bearers. This might involve no more than giving the community council a verbal report of any expenses or income since the previous meeting and informing members of the resultant bank balance. In addition, the Treasurer should produce regular written 'statements' to be presented at meetings. The Treasurer is also required to produce a set of annual accounts for audit review. It is the responsibility of *all* community council members to ensure that spending accords with the purposes of a community council as defined in the Scheme for Community Councils.

### 3. Community Council Funding

The City of Edinburgh Council pays an annual grant to community councils. The principal purpose of the grant is to cover administrative expenses: postage, photocopying, production of leaflets and newsletters and any other means of consulting with or expressing the views of the community.

Examples of such costs are detailed below:

- Hall/meeting room hire
- Photocopying
- Stationery
- Postage
- Production of community council newsletter, annual report or community directory
- Design or maintenance of community council website
- Involving local people in local decision making (eg surveys or consultations on local issues)
- Participation in local community planning activities
- Developing links with other groups (eg any costs incurred from joint working with organisations such as minority groups, youth groups, local history society, pathways/environment group etc)
- Publicity and promotion - advertising meetings, purchase of notice boards, production of leaflets and flyers, stand at community gala day



- Membership/affiliation fees
- Auditor's Fee
- Conference attendance

Community councils may incur minor expenditure on donations to local charitable and community activities but this is **not** the true purpose of the City of Edinburgh Council grant.

On receipt of the annual City of Edinburgh Council grant, the Treasurer should carry out a simple budgeting exercise, estimating the cost of room hire, photocopying, postage etc. for the coming year. This will help prevent the community council being unable to perform its basic functions towards the end of the financial year, through lack of funds. Some community councils are active fund-raisers, organising fetes, galas and so on. Any extra funds raised by these means can be spent however the community council decides, providing it affords some benefit to the local community.

#### **4. Banking Arrangements**

A bank account should be opened in the name of the community council to deposit the City of Edinburgh Council's annual grant cheque and from which the various expenses of the community council will be drawn.

A community council bank account should be set up in such a way that at least two signatures should be required on any cheque. (These are usually the Treasurer and one or more of the other Office Bearers).

#### **5. Funding for Special Projects**

Many community councils become involved in developing 'projects' - either by themselves or in conjunction with other groups - aimed at improving the community. Special projects could be anything from improving facilities at a children's playground to cleaning up a local pond or canal. Such projects can be expensive and tend to fall outwith the purpose of a community council as detailed in the statute\* and in the Scheme for Community Councils. For this reason, it is not appropriate to spend the City of Edinburgh Council annual grant on such projects. However, it may be possible for a community council to obtain funding for a particular community project from other sources. Community groups and local organisations can apply for funding from the Neighbourhood Partnership Community Grants Fund. Assessed grant applications for community grants will be considered at regular meetings of the Neighbourhood Partnerships.

#### **6. Annual Accounts**

Community councils hold their Annual General Meetings in May or June. The Treasurer will be required to produce a set of accounts for the previous financial year (i.e. 1<sup>st</sup> April – 31<sup>st</sup> March). Community councils should appoint an independent auditor who will be tasked to audit the annual accounts. The audited accounts will be presented at the AGM and a copy should be sent to the Community Council Liaison and Development Officer.

\* **LOCAL GOVERNMENT (SCOTLAND) ACT 1973**

# Financial Good Practice for Community Councils

## 1. Introduction

It is important that clear systems are put in place for the recording of all financial transactions. The purpose of this note is to provide basic guidance along with examples of practical action, tips and advice which will assist community councils to develop good practice in this area.

## 2. Roles and Responsibility

*All community council representatives have a responsibility to ensure the prudent use of community council funds. Any doubts about the use of community council funds should be brought to the attention of the whole membership. (If doubts remain, the City of Edinburgh Council's Community Council Liaison and Development Officer should be informed).*

The Treasurer has primary responsibility for all matters relating to finance. The Treasurer's duties include: maintaining accurate systems for recording income and expenditure, preparation of regular statements to the community council, preparing annual accounts for audit-review and ensuring that expenditure accords with the purposes of a community council as defined in the 'Scheme for Community Councils'.

## 3. Basic Principles of Financial Management

*No two community councils operate in exactly the same way. In addition to this, while some are experienced at raising additional funds to finance particular projects, others carry out all their functions using the City of Edinburgh Council administrative grant. For this reason, the following is not intended as a comprehensive set of guidelines but rather a few basic principles:*

- All financial transactions should require the authorisation or approval of the membership
- All transactions should be recorded in writing ensuring that a complete record is maintained
- There should be written evidence to back up every transaction entered in the records
- All cheques should require at least two signatures (e.g. Treasurer & Chair)

## 4. Annual Accounts/

*Community councils are required to produce a set of annual audited accounts for approval at the AGM. These should consist of a Balance Sheet and an Income and Expenditure Account. Audited accounts are accounts which have been reviewed by an appropriate person, and a statement produced. Among the things an auditor will look for are the following:*

- That funds have been spent in pursuit of the aims of the community council as defined by the Scheme for Community Councils
- That all transactions recorded are verified by vouchers received (e.g. invoices, receipts)
- That book entries correspond with bank statement information

- That overall systems of financial control are satisfactory

(Please see attached Sample Annual Accounts)

## **5. Banking Information**

All cheques should require more than one signature. A cheque signatory should not sign a cheque where the cheque is made payable to him/herself. All the details of the cheque should be complete before a cheque is signed. All bank vouchers must be retained. This includes statements, cheque book stubs and pay-in counterfoils.

## **6. Petty Cash**

*Some community councils may never hold any petty cash. However, where a petty cash system does operate, steps should be taken to ensure that the level of cash held is kept to a minimum. In such cases a petty cash book should be kept detailing all transactions. On a monthly basis the cash balance should be reconciled with the records in the petty cash book.*

Petty cash is for use in making relatively minor cash payments. It should not be used where it would be reasonable to make payments by cheque. Consideration should be given to setting an upper limit for petty cash payments.

## **7. Expenses / Honoraria Payments**

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

The disbursement of honoraria payments to members of a community council is not authorised in the Scheme. While the dedicated efforts of all community council representatives is acknowledged and appreciated, given the fact that public funds are ever more scarce and coming under ever greater scrutiny, it cannot be appropriate for these kind of payments to be made from the City of Edinburgh Council's annual administrative grant.

Reimbursement of travel expenses should only be available to persons on official community council business. Claimants should submit a detailed record of dates, times, destination, reason for travel and mode of transport. Reimbursement of travel expenses (for example bus, taxi, train, parking fees etc) should only be awarded if accompanied by an appropriate receipt.

If the community council requires telephone calls to be made, reimbursement of expenses can be made at the discretion of the community council. The person making the claim should submit the itemised telephone statement highlighting the calls claimed. Reimbursement will be authorised by the community council.

## **8. Good Practice Checklist**

The list below is intended as a useful guide to Treasurers and others in evaluating the financial practices of their community council. The checklist is not definitive but is merely an outline of some self-assessment steps which could be taken.

#### **ACCOUNTS REQUIREMENTS**

- Are proper records kept of all transactions?
- Are accounts formally approved at the Annual General Meeting?

#### **BUDGETING**

- Is an annual budget drawn up and approved by the community council?

#### **RECEIPT OF FUNDS**

- Are all incoming cheques and cash recorded immediately?
- Are all funds paid directly into the community council's bank account?

#### **FUND RAISING EVENTS**

- Are records kept of each fund raising event?

#### **BANK ACCOUNTS**

- Are all funds belonging to the community council held separately from that of any individual member or other organisation?
- Are regular checks made between bank statements and the Treasurer's own records of income and expenditure?

#### **CONTROLS OVER EXPENDITURE**

- Is all expenditure authorised by the membership of the community council?
- Is supporting documentation held for all expenditure e.g. invoices?
- Are cheque books held in a secure place with access only by signatories?

#### **PAYMENT BY CHEQUE**

- Are all cheques signed by at least two people?
- Is every effort made to minimise cash payments?
- Is all cheque expenditure recorded and noted with the relevant cheque number?
- Are all cheque stubs completed at the time of the payment?
- Are all cheques signed only with documentary evidence of the nature of the payment?

#### **PAYMENT BY CASH**

- Do all cash payments have supporting documentation?
- Are amounts of cash claims entered in a petty cash book?

## SAMPLE COMMUNITY COUNCIL

### Accounts for the year to 31 March 2013

#### Income and Expenditure Account

	2012 £	2013 £
<b>INCOME</b>		
Administration Grant (City of Edinburgh Council) 700.00		700.00
Bank Interest	52.35	43.54
Other (Fund Raising Gala)	<u>122.00</u>	<u>108.00</u>
	<u>874.35</u>	<u>851.54</u>
 <b>EXPENDITURE</b>		
Room Hire	144.00	120.00
Postage	35.00	29.00
Production of Newsletter	112.00	98.00
Subscriptions	10.00	10.00
Stationery	40.00	38.00
Audit Fee	60.00	60.00
Advertising in community newspaper	<u>50.00</u>	<u>45.00</u>
	<u>451.00</u>	<u>400.00</u>
 SURPLUS OF INCOME OVER EXPENDITURE	423.35	451.54
 SURPLUS BROUGHT FORWARD	1,373.88	922.34
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SURPLUS CARRIED FORWARD	<u>1,797.23</u>	<u>1,373.88</u>



## SAMPLE COMMUNITY COUNCIL

### Accounts for the year to 31 March 2013

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#### Balance Sheet

	2012 £	2013 £
<b>CURRENT ASSETS</b>		
Cash at bank	1,900.00	1,400.00
Petty Cash	<u>97.23</u>	<u>38.88</u>
	<u>1,997.23</u>	<u>1,438.88</u>
 <b>CURRENT LIABILITIES</b>		
Uncleared cheques	30.00	25.00
Unpaid bill	<u>70.00</u>	<u>40.00</u>
	<u>100.00</u>	<u>65.00</u>
 <b>NET CURRENT ASSETS</b>	 <u>1,897.00</u>	 <u>1,373.88</u>
<b>ACCUMULATED SUPPLUS</b>	<b>1,797.00</b>	<b>1,373.88</b>

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Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
(Treasurer) (Chairperson)

#### **Auditor's Report**

I have examined the above statement of accounts of Sample Community Council for the year ended 31<sup>st</sup> March 2013. I certify that these statements reflect the income and expenditure of Sample Community Council for the year ended 31<sup>st</sup> March 2008 and are in accordance with the books and records of the Treasurer.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
(Auditor)

## The Role of the Community Council Member

As a member of your Community Council it is important that you recognise from the outset your role. 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 views 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 Council meetings. Try to check out the facts, however, before taking matters to the Council, and if there are two sides to the story, make sure that both of them are put forward. There is little point in taking up time at meetings to discuss problems that are based simply on misunderstandings or misrepresentations of the facts. Remember, **if in doubt, check it out!**

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

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, healthy aspects of any vibrant 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, whether in the sphere of race, religion, gender or any other of the "labels" which get attached to people.

## New Community Councils

### 1. Annual Council Grant

The City of Edinburgh Council pays an annual grant to community councils. The principal purpose of the grant is to cover administrative expenses: postage, photocopying, production of leaflets, newsletters and so on. (Community councils may incur minor expenditure on donations to local charitable and community activities but this is *not* the true purpose of the Council grant).

The grant is made up from a standard lump sum plus a per capita component of 2p for every person living in the community council area.

### 2. Banking Arrangements

Community councils should appoint a Treasurer who will deal with all financial matters. It would be advisable, however, that two members are required to sign cheques (usually the Treasurer and the Chair).

A bank account should be opened in the name of the community council to deposit the City of Edinburgh Council's annual grant cheque and from which various expenses of the community council will be drawn.

### 3. Insurance

Community councils are responsible for arranging their own insurance and are strongly recommended to ensure that adequate cover is in place. The Council has produced a booklet 'Understanding Insurance Risk Management' which is available on the Council's website to assist community groups with general information regarding insurance and risk management. However, the Council is unable to provide insurance advice or recommend insurers or brokers to third parties such as community councils. The booklet explains why all organisations are likely to require liability insurance. For example a relatively minor incident could produce a claim from a volunteer or member of the public for compensation and the associated legal expenses. The booklet is designed to act as a guide only and there are a number of different insurances which Community councils may wish to consider.

### 4. Scheme for Community Councils

All Scotland's local authorities, including the City of Edinburgh Council, are required to produce a 'Scheme for Community Councils'. This document details the rules and regulations governing the relationship between the City of Edinburgh Council and Edinburgh's community councils. The Scheme covers everything from the purpose of community councils to conduct at meetings, financial arrangements and so on.

### 5. Constitution

Each community council also has its own individual Constitution. The Constitution provides the framework of procedures that govern the work of the community council. The City of Edinburgh Council supplies a 'Model Constitution' for community councils to adopt.

## **6. Community Council Liaison and Development Officer**

Like most of Scotland's local authorities, the City of Edinburgh Council has a designated 'Community Council Liaison and Development Officer'. As the title suggests, this officer provides information and advice to community councils and acts as a central point of contact for community council enquiries. If you have any queries, please contact our Community Council Liaison and Development Officer on 0131 469 3838.

## Conducting Community Council Meetings

### 1. Introduction

The rules for conducting community council meetings are contained within the Scheme, Constitution and Standing Orders. No two community councils will conduct their meetings in exactly the same way and the following notes aim to highlight key aspects of meeting procedure and provide general guidance.

### 2. Meetings

Community councils should hold a minimum of one AGM in May or June and six ordinary meetings each year. All meetings must be properly minuted and copies of the minutes, along with an agenda, should be distributed to all members at least 7 days in advance of the next meeting.

### 3. Public Notice of Meetings

Public notice of community council meetings should be given by a copy of the agenda being put up in a public place within the local area at least 7 days before the meeting is due to take place.

### 4. Chairing Meetings

In the absence of the Chairperson, the Vice-Chair should chair meetings. If both Chair and Vice-Chair are not present, one of the Office Bearers or failing that another member should take the chair. The Chairperson shall conduct the business of the meeting and maintain order. All comments should be addressed to the Chair. (A fuller note of the duties of the Chairperson can be found in the Chairperson's Guidance Note).

### 5. Quorum

The quorum for general meetings of community councils is one third of those presently serving as elected and nominated representatives on the community council or three voting members, whichever is the greatest. If a quorum is not present, the Chairperson should postpone the meeting until a later date providing that there will be sufficient time to inform all members of the new date.

### 6. Order of Business

The Chairperson shall follow the order of business on the agenda unless a change in circumstances dictates that some alteration to the agenda would be in order. Any suggested change to the order of business should be put to the membership for their approval.



Typically, the order of business at a community council meeting might be as follows:

1. Apologies
2. Minutes of Previous Meeting and Matters Arising
3. Reports of Office Bearers
4. Reports of Sub Committees
5. Ordinary Items of Business
6. AOCB
7. Open Forum\*
8. Arrangements for Next Meeting

\*Some community councils have an “Open Forum” as the last agenda item of each meeting and this is recommended as good practice. This provides an opportunity for members of the public to bring additional community-related issues to the attention of the community council. (Discussion during the “Open Forum” period may not affect any decisions previously taken by the community council, though it may be agreed to reconsider a particular matter at a subsequent meeting).

## **7. Voting on a Motion**

The Chairperson should ensure that there is a full and even-handed discussion of every issue put before the members. If an item is likely to generate a particularly busy session, the Chair may wish to limit the time allocated to each speaker. If ample time has been given to the discussion of an issue and no agreement has been reached then the matter should be put to a vote. All votes shall be taken by a show of hands.

In the event that there is an equality of votes, the Chair shall have the casting vote. Once a motion has been passed by a community council no contrary motion should be considered for a period of at least six months unless notice has been given of the proposed item in the summons for the meeting and the community council agrees the decision was based on erroneous, incorrect or incomplete information.

## **8. Declarations of Interest**

In accordance with the Scheme for Community Councils (Appendix 4) all community council members must declare their interest, where appropriate. If any member has a private interest in a matter which comes before the community council, they must declare that interest and withdraw from discussion and decision making on that matter.

The criteria for what constitutes an ‘interest’ are not easy to define. However, if a member feels that it might reasonably be suspected that their private interest could influence them or that it might create a bias on their part (due to how it affects them or someone close to them) **then they must declare their interest.** If a member has doubts as to whether a matter is sufficiently material as to require them to declare an interest, they should declare it nevertheless and allow the community council to decide whether they should withdraw from discussion on the matter. It may be good practice for each community council to maintain a **Register of Interests.** This Register could contain details of each member’s interests pertaining to particular matters which have been raised at meetings.

## **9. Failure to Declare an Interest**

If it is subsequently discovered that a community council member had an interest in an item of business but had failed to declare that interest and withdraw from the meeting, then that item should be placed on the agenda for the *next* scheduled meeting, for re-consideration. The community council's previous decision may then be either confirmed or altered.

At that next meeting, the community council should also consider the position of the member who had failed to declare their interest. Community council members who fail to comply with the Code of Conduct may be suspended from the position of community council member by action of the community council or by action of the Council.

## Dealing with Disputes

### 1. Introduction

Community councils are self regulatory bodies that operate with support and advice, where appropriate, from Local Authorities. Given that community councils are public representative bodies, dealing with important and sometimes contentious matters, it is understandable that disputes occasionally arise. These disputes may be between individual members of the community council, between the community council and another individual or even between the community council and the City of Edinburgh Council. Whatever the situation, it is important that community council members remain conscious of their responsibilities and seek a sensible resolution to any kind of disagreement as quickly and amicably as possible.

The following procedures may be useful as a general guide, though in handling disputes of any kind, there is no substitute for common sense, consensus and compromise !

### 2. Disputes Within the Community Council

The Chairperson is responsible for conducting business at meetings and it is essential that due deference is paid to the Chair by all present. The Chair decides the order of business, who will speak and for how long.

While business is being discussed, it is important that the Chair ensures that all points of view have equal time to be aired. Towards the end of a debate the Chair may summarise the arguments for and against a motion to ensure the minute secretary (and others) clearly understand the pertinent issues. If a consensus cannot be reached on any point, the Chair should take a vote with the majority verdict prevailing. **All members of the community council will be bound by this decision.**

### 3. Disputes Between the Community Council and Members of the Public

Individual members of the public may wish to attend meetings of their local community council to hear certain items of business being discussed. While they may not vote or otherwise interfere with the conduct of the meeting, they may be invited to speak at the discretion of the Chairperson.

A member of the public may request that their community council consider a particular issue. This request must be considered by the members. If it is considered appropriate, then the matter should be included on the agenda for the next regular meeting of the community council. The Secretary or Chairperson should write to the person who raised the issue, inviting them to speak to the matter. If the community council does not consider the request appropriate, then a letter should be sent to the individual concerned notifying them of the reasons. Details of the request and the refusal should be reported to the next meeting of the community council and recorded in the minutes. **The person should be advised that if they are aggrieved by this decision then they may refer the matter to the City of Edinburgh Council for advice and guidance.**

#### 4. Conduct of Community Council Members

Although the Chairperson has overall responsibility for conduct at meetings, each individual member of a community council is responsible for their own behaviour and has a duty to comply with the Code of Conduct. However sensitive an issue may be and however strongly people may feel, it is absolutely essential that community council members maintain a respectful demeanour. Personal differences must not be allowed to undermine the correct conduct of business. This is equally true whether it involves a disagreement between two community council members or between a community council member and another person.

In the event that a debate becomes too heated, the Chairperson must intervene and bring the meeting to order. If any of the protagonists has resorted to inappropriate language or behaviour, it is the responsibility of the Chairperson to immediately ask the 'offender' to apologise. (Common sense suggests that this is the best way of preventing long-lasting and damaging grievances from emerging).

Difficult situations or disagreement can be resolved between those directly involved, especially if addressed at an early stage. If this cannot be achieved, the matter should be taken up with the community council office-bearers. If the office-bearers fail to respond, members can raise their concerns as an item at a community council meeting to ensure full consideration of the facts. It would only be in the final stage when a community council has taken all reasonable steps to resolve the matter but has been unable to do so that the Council would be approached for support and advice.

#### 5. Disputes *with* the City of Edinburgh Council

Where a community council experiences difficulties with a department of the City of Edinburgh Council, it should first attempt to resolve them with the appropriate officer.

For complaints and suggestions about anything that the City of Edinburgh Council does, contact the Quality and Customer Care Unit on 200 2000 (or e-mail: [customer.care@edinburgh.gov.uk](mailto:customer.care@edinburgh.gov.uk)). Copies of the City of Edinburgh Council's 'Suggestions and Complaints Guide', with a Freepost form, are available in local area offices or phone the above number.

#### 6. Disputes and the City of Edinburgh Council

In the event that a disagreement or dispute has arisen which the community council is unable to resolve, then the community council may wish to ask the City of Edinburgh Council to help. However, this does not mean that the City of Edinburgh Council should be the first point of contact in such a situation. **The City of Edinburgh Council should only be approached as a last resort, once all reasonable steps have been taken by the community council to deal with the problem. Guidance will be offered on a case by case basis.**

## Engaging with the Community

### Introduction

The general purpose of a community council is to act as a voice for the local area. A community council can only claim to represent the views, wishes and needs of its community if it continues to engage openly with that community. Whether by means of one-off consultation (such as a public meeting) or through regular outlets (such as a website) community councils must actively seek to establish the views of the wider community.

While this is not intended to be a comprehensive paper, the aim of this Guidance Note is to provide some good practice advice in relation to the techniques and processes of engagement. The National Standards for Community Engagement set out best practice guidance for engagement between communities and public agencies. Further information on the standards for community engagement is available at [www.scdc.org.uk](http://www.scdc.org.uk)

### Audience Groups

At the start of the engagement process think about the make-up of your community and make a list of the groups and organisations you want to target. For example are there mostly younger or older people living in your area? Are there black and ethnic minority groups, people with disabilities? Talk to some members of the target groups(s) to find out which methods they think are most likely to produce a response. You will probably need to use a variety of different communications methods to reach your target audiences.

### Methods of Engagement

There are a number of ways in which a small group like a community council can elicit the views of people in their community. Before deciding which method to use, it would be wise to consider:-

- What you are engaging about
- Who you are engaging with
- What *type* of information is required
- What resources are available (budget, volunteers, time)
- How you will feed back the results

#### i) Public Meetings

Public meetings can be an effective way of engaging with local communities. A few general rules apply to almost all public meetings so it would be best to consider:

- |                          |  |
|--------------------------|--|
| <b>Purpose</b>           | - Be clear about the reason for the meeting  |
| <b>Publicity</b>         | - Ensure that your meeting is widely publicised well in advance<br>Local shops, supermarkets, libraries, schools and health centres are often willing to put up notices of events on windows and notice boards |
| <b>How much to cover</b> | - Be realistic. Don't try to achieve too much at a single  |



meeting

- |                    |   |
|--------------------|---|
| <b>Format</b>      | - Traditional theatre style meetings are often dominated by the most vocal or confident attendees. Consider breaking up into small discussion groups and then feedback summaries of points                              |
| <b>Information</b> | - Provide enough advance information, but don't swamp people! And remember, always use plain English  |
| <b>Feedback</b>    | - It is important to let people know that they will be kept aware of the progress of the issue. This can be done by reporting the results in a newsletter, on a website or notice board or by calling a special meeting |
| <b>Equalities</b>  | - Don't choose a venue which is not accessible by public transport and which is inaccessible to disabled people or older people   |

## ii) **Questionnaire Surveys**

Questionnaire surveys are an efficient way of gauging public opinion on a specific issue or related set of issues. They can either be administered face to face or respondents can be asked to complete them by post. Again, a few simple rules apply when putting together a good questionnaire survey:

- |                              |   |
|------------------------------|---|
| <b>Length</b>                | - A questionnaire should not be too long and questions must be easily understood                      |
| <b>Closed Questions</b>      | - Multiple choice questions should be used wherever possible  |
| <b>Postal Questionnaires</b> | - Should be sent out with a short, polite covering letter explaining the purpose of the questionnaire |
| <b>Incentives</b>            | - To encourage responses, a prize draw (for example) might be considered                              |

## iii) **Newsletters**

Perhaps one of the most popular means by which community councils can engage with their communities is through a newsletter. While they can be relatively expensive to produce and distribute, several of Edinburgh's community councils produce excellent, regular newsletters. A newsletter can be used to publicise the work of the community council, promote its activities and encourage wider public involvement. A few suggestions:

- |                                |  |
|--------------------------------|--|
| <b>Sponsorship/Advertising</b> | - Local businesses can help to fund your newsletter – ask!   |
| <b>Local Newspapers</b>        | - May publish your newsletter as a supplement, both lowering costs and taking care of distribution |
| <b>Regular</b>                 | - Whether it's monthly, quarterly or biannually, try to  |

## Boast!

- produce your newsletter at regular intervals so that people in the community become familiar with it
- Don't just promote ongoing and future activities but let people know about the past successes of your community council

### iv) Social media – Twitter and Facebook

Social media is a quick and cost effective way of engaging with people who are less likely to use more traditional communication methods for example young people. You will also need to encourage people to sign up to receive Twitter Feeds or follow your Facebook pages. However, social media will only reach part of your audience and it is important not to exclude sections of the community who are less likely to use it. As above, you need to ensure that you're able to keep your Facebook page up to date and use Twitter regularly. Also think about how people can use social media, your blog and website to get in touch with you and possibly comment as well.

### v) Website/Newsblog

A website is an excellent means of providing public access to information about a community council. Minutes, reports and other documents can be displayed and visitors to the website can be encouraged to make comments or suggestions by email. It is important to ensure that where you include information from other organisations that you seek their permission.

There are plenty of free options you can use. Word Press is one of the most popular and it's really easy to use or try the website builder at [www.btck.co.uk](http://www.btck.co.uk). Consider though whether you can keep the information on your website/blog up to date and relevant.

## Other Forms of Community Engagement

In addition to the above, there are many ways in which community councils can make people aware of who they are and what they do. Both **local and freesheet newspapers** are always on the lookout for *interesting* 'copy' and may well be willing to take occasional or even regular articles from the community council. Among the more traditional ways of gauging the views of the community is to have a stall at **community open days, road shows, galas or festivals**. Such events can provide a good opportunity to carry out short, face-to-face questionnaires and by displaying newsletters and leaflets at these events community councils can help to promote their activities.

## Neighbourhood Partnerships

Community councils are the key community representative bodies on each of the 12 Neighbourhood Partnerships established across the city. This means working alongside councilors, representatives from Police Scotland, NHS Lothian, Scottish Fire and Rescue Service and the sector to identify and agree local priorities and develop and deliver local community plans to make the area better. Taking part in partnership activity is a way of ensuring your community has its say in the way services are delivered in the city and your local area.

Check the Neighbourhood Partnership events planner to see what's on and ask your Partnership Development Officer to add your events to it.

### **Key Points**

Whatever the means employed, a few general principles will usually apply:

- remember that consultation is a two-way process
- engagement activities should be carefully planned and the appropriate methods used
- try to ensure that the people consulted are representative of the *whole* community, not just a vocal pressure group from one section of the community
- keep people informed and ensure that both participants and the wider community are made aware of the results of any consultation undertaken.

## Top Tips for Publicity and Engagement

- Include main contact details in all communications issued by the community council. Always invite contact and encourage feedback. Make this a permanent “text box” in your papers.
- Whenever possible, restate the ways constituents can contact you. Make this as easy as possible for them.
- Create a website or Facebook page, use Twitter or get a section on the Local Authority website. List contact details, including pictures where possible. Show the date, time and venue of meetings, and the agenda. Include the minutes of all previous meetings.
- Collate a database of e-mail addresses for constituents. Ask for permission to send them e-mail bulletins seeking their views and reporting your actions.
- Display community council contact details in all public buildings. Include information on what you do and how you can help.
- Secure space in any local newsletters. Publicise your work, and invite comments.
- Where practicable, get space in all publications sent out by the Local Authority such as Local Authority magazines. You might do this collectively among all your community councils. Make sure you collaborate what is said about your community council in any publication.
- Invite and encourage the local press to attend meetings. Issue press releases on matters of local interest. Seek training on media relations. Consider appointing a press liaison community councillor.
- Whenever you have a change of office bearers, ask the Local Authority to send out a mailing to all local organisations, public, private and voluntary, indicating the new office bearers and reinforcing the status, work and approachability of your community council. Do the same after every community council election.
- Develop and carry out surveys. Ask questions about the community’s perceptions of you, of their community and their quality of life. Ask what you can do to improve the community. Find out what their priorities are. Be sure to include questions on the issues that will be important to your constituents in the future even if the details are not fully known.
- Consider shorter, faster surveys on individual issues of significant local importance. The responses will be very important in helping you demonstrate how you speak for the community. Always include a closing date for responses so people know the consultation is live.

- Hold public meetings (in the true sense – all meetings of community councils are by law open to the public) whenever there is an issue of sufficient local importance. Monitor the attendance in terms of whether it representatively reflects the community – age, sex, area of residence, overall numbers and so on.
- Place suggestion boxes in prominent, busy local venues. Leave pencil and paper for ease of use. Explain these are for citizens to make comments and/or suggestions on how to tackle a local issue or generally improve the community. Always respond to comments left when the person gives contact details. Regularly report comments at full community council meetings.
- If possible, deliver flyers or leaflets door to door. This is also an excellent way for community councillors to get to know their constituents, and vice versa.
- If there is a local community radio station, consider using it to promote the awareness and work of the community council. However, do be aware that community councils should take a non political approach on all subject matters.

**Word of mouth and informal personal contact is a common practice, and has its place. However 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.**



## Campaigning on the Issues

How a community council might decide which issues it will consider, and how to pursue them.

Community councils are presented with a large variety of issues and problems. Some affect a single member of the community, others the entire community and beyond. Your community council should try 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 council’s position on the views of or 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 would help you make your case? Research the person/organisation you want to influence? How can you engage with them to reach the desired outcome for the community?
- Decide what results you want. Be specific. Know why you want each of these results and exactly how they will meet the conditions above about benefit to the community.
- Establish how to reach these objectives, and monitor your activity. Assess how you can tell when you have achieved your objectives.
- An issue does not need to have only two opposing sides. Could your community council be an independent mediator bringing opposing factions together?
- Avoid allowing the community council to become the vehicle for any campaign that is not the evident will of the majority of Community. When that is established, maintain that position, and do not let your community council become the venue for constant debate about the issue’s merits. Nor should any single issue 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 evidence or circumstances.
- 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 their interest to the community council and not take part in any activity associated with it.
- You may choose to appoint a special Committee to co-ordinate your action on a particular issue with appropriate delegated authority. Make sure the committee has a clear remit and set clear instructions on what it may do or not do without prior approval of the whole community council.

## Conflict of Interest

Community council members have a duty to act in the interests of the local community and should ensure that decisions actions and representations reflect the wishes and views of the community. CC members must not use their position as a community councillor to gain financial, material, political or other personal benefit for themselves, their family or friends.

### What is a conflict of interest?

A **conflict of interest** is a situation in which an individual has competing interests or loyalties which may (or may appear to) influence or affect decision making.

### CC Code of Conduct

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

CC members must not place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence how they represent the community.

If a CC member has a private interest which is of a continuing nature, it may be that it would cause the member to withdraw from the consideration of business so frequently that they would be of little value to the community council. In this case the member should not seek to serve as a CC member.

The fundamental principle to bear in mind is that CC members must be open and not do anything that cannot be justified to the public in the terms of the Code of Conduct.

### Example

A planning or licensing application may be under discussion by the community council that directly affects the interests of a member of the community council or of other parties with whom they have a close business, personal or family relationship. In these circumstances there is likely to be a potential conflict of interest with their role as a Community Councillor that requires to be addressed.

In these circumstances and as set out in the Code of Conduct, where such a conflict arises then the member affected should declare the interest, and in appropriate cases, withdraw from the meeting prior to the matter coming under discussion, and take no part in the decision. This is to ensure openness and transparency and to avoid *any perceptions* that the community council, or any of its members, is acting in any other than a wholly impartial way.

# **Equalities Guidance Note for Community Councils**

## **Introduction**

Equalities in relation to community councils is about ensuring fair treatment and the participation of all sections of the community in their business. Over the last 30 years legislation in equalities has grown. This growth has rapidly increased since 2000 and new duties have been developed.

This guide is to help you in meeting these new duties and gives some advice.

## **What is Equalities Legislation**

The Equality Act 2010 is the main piece of legislation and has been developed to provide people with fairer opportunities and better public services. The way in which we achieve this is to consider and evidence our due regard to the general duties set out in the act.

The general duties are:

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

The act also identifies nine protected characteristics;

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual orientation

## **What does the legislation do?**

The legislation requires us to consider how we can meet the general duties it sets out and outlaws all direct discrimination against people with the identified protected characteristics. The legislation also puts a great stress on combating indirect discrimination that is often unintentional and can be difficult to detect.

## **What does this actually mean?**

As a community council you are bound by equality legislation and must ensure that;

- Membership is open to all
- Strive to ensure that the community council is representative of the local population

- Ensure that the workings of your community council is conducted in a way that does not exclude any group
- Ensure that equalities is central to your work
- Examine your working practices to uncover any unfair disadvantage

### **The Practice of Equalities**

Some people find equalities work as rather abstract and not relevant. This is not true and indeed it is impossible to prove a good service and ignore the equality dimension. Equality adds quality! The following are some of the practical steps you can take;

- Find out the make-up of your area. Is it elderly, rich/poor, are there ethnic minorities, are there particular concentrations such as Travellers?
- Examine who actually attends your meetings. Is it representative or are there areas of under representation such as ethnic minorities, young people etc.
- Ask yourself how much you know about the community and how you can increase your understanding
- Examine how you conduct your meetings and ask yourself whether this could pose barriers e.g. times of meetings, venues, facilities
- Be aware of communication problems and be able to overcome these e.g. deafness through the use of interpreters/signers
- Be familiar with the Council's guidelines on communications and ensure you can be flexible with formats
- Tackle unacceptable behaviour in your meetings such as racism, homophobia etc.
- Make a positive unambiguous statement that all are welcome to participate and advertise prominently
- Consider co-opting, should a particular protected characteristic be missing
- Examine the issues that come up and check on whether any issue particularly affects an equality group and try to ensure that this group is encouraged to attend
- Check that your business does reflect the concerns of the community or do an assertive minority dominate the agenda
- Consider how you could measure how you are doing in terms of quality and report on this in your annual report.

## Community Councils and the Licensing Process

### 1. Introduction

Local authorities have jurisdiction over all manner of business activities which take place within their areas. In Edinburgh, people are required to apply to the Council for a licence if they wish to operate a taxi, open a late-night hot food takeaway, stage a theatrical production or engage in any one of a wide range of commercial ventures, and to the Licensing Board if they wish to sell alcohol. In the vast majority of cases, the issuing of these licences is of little interest to community councils. There are occasions, however, when a particular licence application may cause concern. The purpose of this guidance note is to help community councils understand the licensing process and explain how they can voice their opinion.

### 2. Licensing Board

The City of Edinburgh Licensing Board is constituted in terms of the Licensing (Scotland) Act 2005 and deals with all licences relating to the sale and supply of alcohol and in addition all gambling licences in terms of the Gambling Act 2005. The Board sits monthly, and a list of liquor applications to be considered at each meeting is circulated to the community councils and is also posted online: ([http://www.edinburgh.gov.uk/info/20171/licensing\\_board/1034/the\\_licensing\\_board/3](http://www.edinburgh.gov.uk/info/20171/licensing_board/1034/the_licensing_board/3)). Anyone can object to any application for a liquor licence within the time scales laid down in the Act. The Board has discretion to accept late objections, if it is considered reasonable to do so. For general information, please contact:-

**The Clerk of the Licensing Board,  
249 High Street,  
EDINBURGH  
EH1 1YJ.  
Tel: 529 4527**

### 3. Licensing Sub-Committee of the Regulatory Committee

Dealing with civic licensing applications, this Committee handles several categories of licence including Late Hours Catering, Public Entertainment, Second-Hand Dealers and Houses in Multiple Occupation. For premises-based annual and renewable licences, the applicant is required to display a 'Site Notice'. This includes details such as the type of licence applied for, the applicant's name and address and the address of their business premises. The applicant must display the Site Notice in a prominent place on the premises.

The Site Notice requirement does not apply to applications for temporary licences, but a summary of information contained in every licence application is sent to the local City of Edinburgh Councillor and also public libraries. (Copies of these summaries are also distributed to the relevant community councils through the Licensing Section.). Application details are posted online:

[http://www.edinburgh.gov.uk/info/1090/law\\_and\\_licensing/1808/register\\_of\\_licence\\_applications](http://www.edinburgh.gov.uk/info/1090/law_and_licensing/1808/register_of_licence_applications)

Should a community council wish to object to the granting of such a licence, they must write to the Committee within 21 days of the application date, setting out the grounds of their objection.

Any objection to an application made by a community council will be considered by the Committee. As an objector, a community council would have the opportunity to send a representative to a Committee meeting to explain their objections. The grounds for objection include e.g. that the applicant is not a 'fit and proper person to hold a licence or that the premises are not suitable or convenient for the purpose.

For further details or general enquiries, please contact:

**Licensing Section  
249 High Street  
EDINBURGH  
EH1 1YJ**

**Tel: 529 4027**

#### **4. The Licensing Forum**

The Licensing (Scotland) Act 2005 requires each council to establish a Local Licensing Forum. The Licensing Forum represents the views of people concerned with the operation of the alcohol/liquor licensing system in the City of Edinburgh.

The Forum keeps under review the operation of the alcohol licensing system and gives advice and makes recommendations to the Licensing Board. However, it cannot give advice or make recommendations on any individual case or the Licensing Board's consideration of any individual application.

The Forum's members are appointed to represent the views of organisations and people in the City of Edinburgh Council area.

## Community Councils and Planning

1. Introduction

### **Finding out about proposals**

2. The Weekly Bulletin
3. The Planning and Building Standards Online Services

### **Planning Proposals and Applications**

4. Hierarchy of developments and pre-application consultation with communities
5. Permitted Development

### **Speaking up for communities**

6. When to submit a representation
7. When to be a Consultee
8. Variation or amendment of applications after submission
9. Contact with Case Officer
10. Making the Decision

### **Planning Policy**

11. Development Framework for each Area
12. Help and Advice
13. Planning Aid for Scotland (PAS)

### **Appendix 1**

Summary of the roles and responsibilities of community councils in the planning system (extract from PAN47)

### **Appendix 2**

Hierarchy of developments full details

***Revised December 2013***



## Community Councils and Planning

### 1. Introduction

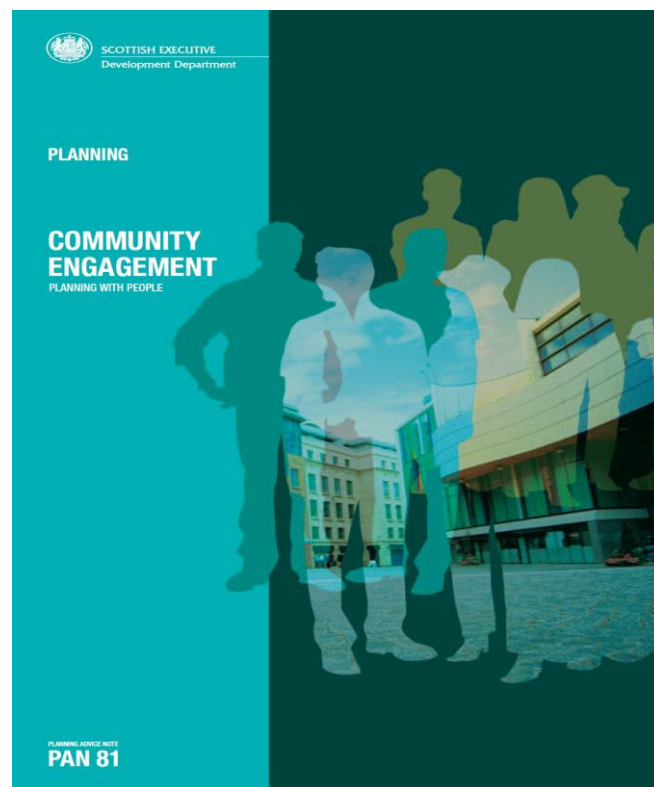
The planning system can often seem complex and confusing, and this guidance note is intended to help community councils understand how the system works and their role within it.

Since 1996, community councils have had the statutory right to be consulted on applications for planning permission. PAN 47 (1996) sets out the roles and responsibilities of community councils and is available on the Scottish Government's website at [www.scotland.gov.uk](http://www.scotland.gov.uk)

#### **Community Councils should read the following key documents:**

##### **Scottish Government**

- **PAN47 - Community Councils and Planning**
- **PAN81 - Community Engagement - Planning with People**



## Finding out about proposals

### 2. The Weekly List

The Council produces a Weekly List of planning applications and decisions. It now also includes proposal of application notices (PANs). The List is available on the Council's website at [www.edinburgh.gov.uk/planning](http://www.edinburgh.gov.uk/planning).

Planning Applications within Edinburgh

WEEKLY PLANNING BULLETIN

Date: 3 December 2013

The new look Weekly Planning Bulletin is organised by ward. Under each ward you will find the following sections:-

- Section 1 – Recently registered planning applications;
- Section 2 – Proposal of Application Notices received;
- Section 3 – Proposals for tree work in conservation areas;
- Section 4 – Proposals for tree works where there is a Tree Preservation Order.

If there are no applications or notices in a ward, the space underneath will be blank.

Section 5 at the end of the document contains consultations from other planning authorities.

Planning decisions are on a separate document.

**Wards – click on the links below**

[Ward A01 – Almond](#)  
[Ward A02 – Pentland Hills](#)  
[Ward A03 – Drum Brae/Gyle](#)  
[Ward A04 – Forth](#)  
[Ward A05 – Inverleith](#)  
[Ward A06 – Corstorphine/Murrayfield](#)  
[Ward A07 – Sighthill/Gorgie](#)  
[Ward A08 – Colinton/Fairmilehead](#)  
[Ward A09 – Fountainbridge/Craiglockhart](#)  
[Ward A10 – Meadows/Morningside](#)  
[Ward A11 – City Centre](#)  
[Ward A12 – Leith Walk](#)  
[Ward A13 – Leith](#)  
[Ward A14 – Craighall/Duddingston](#)  
[Ward A15 – Southside/Newington](#)  
[Ward A16 – Liberton/Gilmerton](#)  
[Ward A17 – Portobello/Craigmillar](#)

**Where can I see the documents?**

You can view the plans, forms and other documents at [Planning and Building Standards Online Services](#).

Alternatively, you can view them at the Planning and Building Standards enquiry office at Waverley Court, 4 East Market Street, EDINBURGH EH8 8BG. Opening times are 8:30 - 17:00 Mon-Thurs, 8:30 – 15:40 Friday.

The Planning Help Desk has a duty planner ready to help you, if you need assistance understanding the plans.

**What Can I Comment on?**

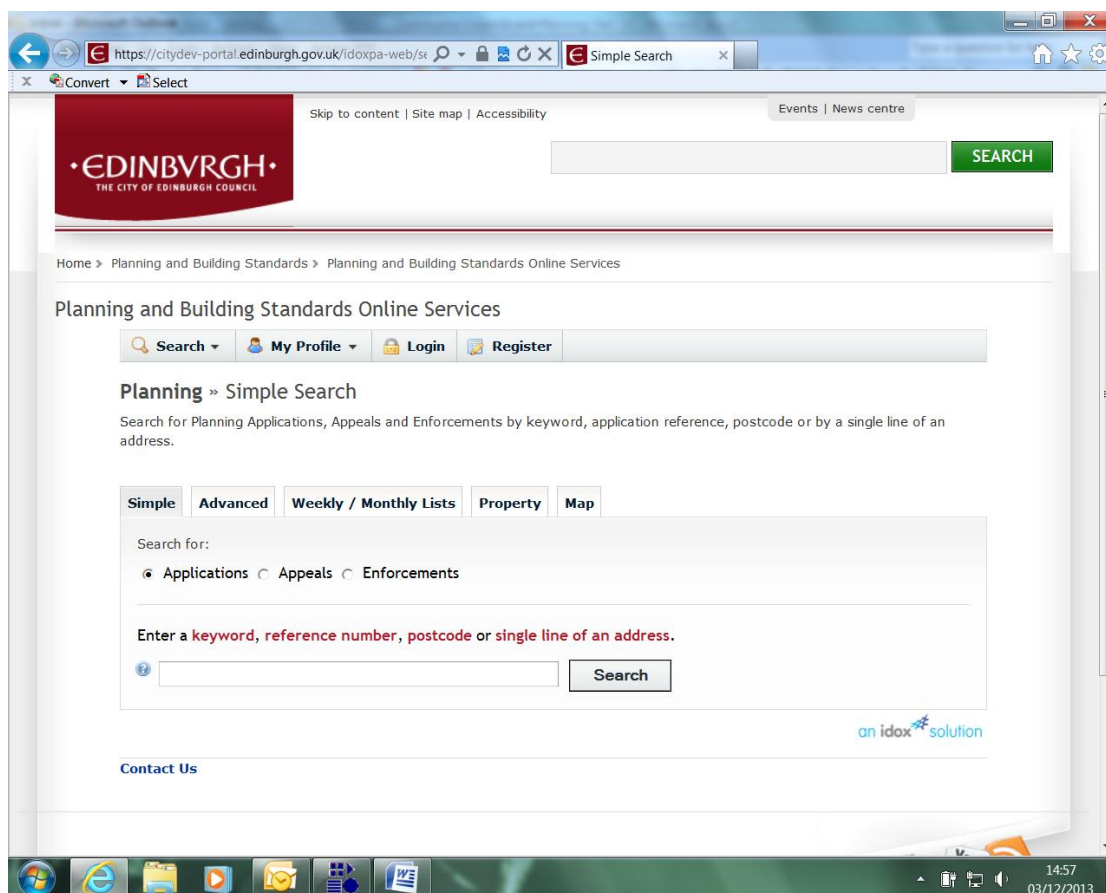
Under statutory legislation, you should only make comments to the City of Edinburgh Council on those applications appearing in Section 1 – recently registered planning applications.

Each Weekly List includes details of planning applications and proposal of application notices registered by the Council over the previous week, and of decisions made on applications. When viewing planning applications online using the Portal, you can also access new and decided applications. These are updated automatically and therefore provide a rolling list of more up to date information on the application.

The List is also available in a printed or electronic format and is posted or emailed each week to all the planning spokespersons of community councils as required by PAN47. On viewing the Weekly List, a community council's appointed planning spokesperson 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 to comment by is included in the List.

Community Councils may also wish to check planning applications in adjacent wards in case they may impact on their area.

### 3. The Planning and Building Standards Online Services



The [Planning and Building Standards Online Services](#) allows planning application details, including the application form and associated plans, to be viewed remotely via the internet. There are several ways of searching for applications on the Portal such as by ward, property address and application number. You can use the submit comments button to make representations within the allotted period.

You may also [register](#) to receive additional functionality such as tracking applications, saving searches and email notifications about tracked applications and new search results.

Arrangements are also in place to allow community councils to borrow a set of applications plans to assist discussion in a local meeting. In response to recent suggestions, **the period for borrowing plans has been increased to 48 hours.**

## Planning Proposals and Applications

### 4. Hierarchy of developments and pre-application consultation with communities

Following the Planning etc (Scotland) Act 2006, there is 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 [Edinburgh Planning Concordat 2013](#) sets out how the Council, developers and community councils will work together in the major development process.

#### Hierarchy of developments

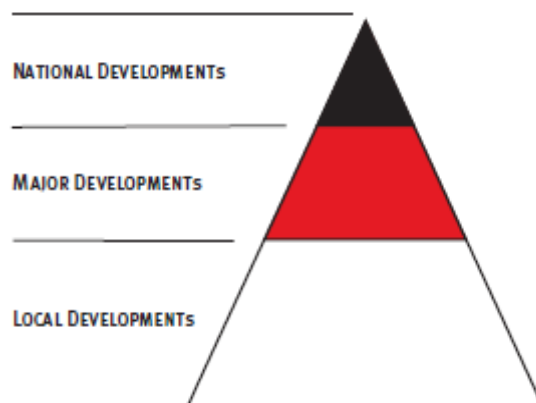
All planning proposals and applications are now classified in a [hierarchy of developments](#). Proposals and applications can be designated as national, major or local developments.

**National developments** are contained in the National Planning Framework (NPF) which is produced by Scottish Government. The current (2009) version is NPF2. This includes the new Forth Crossing and enhancements at Edinburgh Airport. National developments are at the top tier of the hierarchy.

Below national developments are **major developments**. There are 9 classes of major development in the hierarchy. For example, 50 or more houses is a major development.

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

All other development proposals are classified as **local developments**.



## Pre-application consultation principles

The developer is 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.

## 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 Council and the developer prior to the submission of the PAN during the pre-application consultation period. Further details on this are set out in the Planning Concordat.

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 appropriate 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. **Comments are made to the developer, not to the Planning Authority.**

The Council has prepared a guide for community groups (including Community Councils) on how to get the best out of community engagement. It is available on the Council website.

**P2 EDINBURGH** FOR OFFICIAL USE ONLY  
Section 1: APPLICANT'S DETAILS  
Section 2: AGENT'S DETAILS  
Section 3: ADDRESS OR LOCATION OF PROPOSED DEVELOPMENT

"The purpose of 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" (Circular 4/2009)

If pre-application consultation is undertaken for a local development, there is no requirement to submit a PAN or to wait 12 weeks before submitting the application.

**Pre-application consultation does not replace the opportunity to comment on planning applications once they have been received by the planning authority.**

## 5. Permitted Development

Many types of development require planning permission before building work can be carried out or the use of a property changed.

Smaller developments are often exempt from planning permission (for example small extensions or alterations to a house). This is known as "[permitted development](#)".

The Scottish Government has now amended the "permitted development" categories to allow householders more flexibility to alter their property without planning permission.

### 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.

You may wish to consider the following actions:

- Talk to local people and see if they share the views of the community council.
- Contact the community newspaper or issue a newsletter describing the proposed development.
- Contact the local Councillor: he/she has been elected to represent the community and may even be a member of the Development Management Sub-Committee.
- Find out when the particular planning application is due to be considered by the Development Management Sub-Committee. Committee reports are available five days before Committee on the Council website, and details of any meeting and the items on the agenda can be obtained from the Council website or the Planning Help Desk at Waverley Court.
- You may wish to go and see how the application has been decided although you will not be able to speak unless it is the subject of a hearing.

## 6. 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 **views of the community council**. Guidance and advice on [commenting on planning proposals](#) is available on the Council web site. See also the guidance note on "[How to comment on planning proposals and applications](#)".

### How to comment on Planning Proposals and Applications



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 specified 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 advertisement covering a limited number of applications appears in the Edinburgh Evening News, normally on a Friday. Time periods for representations and consultations are automatically extended during periods of public holiday.

## **7. When to be a Consultee**

**A community council can have the status of a consultee if it requests that the planning authority formally consults it on a planning application within its area.** Where this request is made, the application details will be sent to the community council.

From 3 August 2009, we will automatically treat you as a consultee on national or major developments. In other cases, planning legislation requires a community council to **request formal consultation within 7 working 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 day 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.** The community council 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 and Building Standards Portal. They cannot be treated as confidential, although all personal details will be redacted.**



## **8. Variation or amendment of applications after submission**

The new 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 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 invariably minor and raise no new planning issues.

Applications are often amended during their processing. This is often to address points raised by objectors or planning officers. In general, we will not ask for further comments unless new planning issues are raised.

## **9. 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 a 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 our justification for the decision. This is available on the portal. There is no right of appeal for community groups after a decision is made.

## **10. Making the Decision**

In Edinburgh, the final decisions on planning applications are either taken by the [Development Management Sub-Committee](#) (about 5%) or – to help speed up the process - less complex or non-controversial decisions (about 90%) are 'delegated' to the Head of Planning for a decision.

Under new regulations associated with the recent changes to planning legislation, Councils are required to create a [scheme of delegation](#) which specifies how applications for local developments will be decided. The decision taken can be reviewed by a Local Review Body of the planning authority rather than by an appeal to Scottish Ministers.

Our previous Scheme of Delegation has been retained and updated and used in addition to the new scheme of delegation. This allows us to delegate listed building consent and other consents, as well as non-controversial major developments.

The changes to planning legislation which were brought in by the Planning etc (Scotland) Act 2006, set out provisions for pre-determination hearings. 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 relevant committee.

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



Those applications which have a pre-determination hearing will also have to be decided by full Council.

Those who submit representations on these applications are given an opportunity of appearing before and being heard by a committee of the authority. This process will happen very infrequently.

## **Planning Policy**

### **11. Development Plans**

Edinburgh Council is required, by the Government, to prepare a plan explaining its long term intentions for the future development of their area. The plan sets out policies and proposals which are used when deciding planning applications.

The Edinburgh area is currently covered by two plans:

- The **Edinburgh City Local Plan** which was published in 2010, and
- The **Rural West Edinburgh Local Plan** which was published in 2006.

The Council is now working on updating these plans into one plan called the **Edinburgh Local Development Plan** which is the first of a new type of plan to cover the Edinburgh Council area as a whole.

The Council prepares an annual update on how preparation of this plan is progressing in a booklet called the **Development Plan Scheme**. It also sets out when and how to get involved in the plans content.

The content of the plan must meet the requirements set out in two other documents:

- The **National Planning Framework** which sets out Scottish Governments strategy for development across the country; and
- The Strategic Development Plan for South East Scotland which sets out a long term approach to where future development will be located across all of the Lothians, Borders Council and part of Fife.

Copies of the more recent Plans are available for everyone to inspect on the Council website, at all public libraries and at the Planning Help Desk, Waverley Court.

Community Councils are entitled to a free copy of all development plan documents, and copies of the new documents will be sent directly to the nominated planning spokesperson of each community council.

Community councils are encouraged to become involved in the preparation or review of the development plan, particularly when consultation exercises on the plans are undertaken. This allows communities to shape the planning framework which is used for making decisions on individual development proposals.

**Supplementary Guidance** and **Planning Guidelines** is produced to provide more detail to the policies of the development plan and to guide the development of larger sites. Their content is also used when deciding planning applications. They are subject to publicity and consultation, and are also available on the Council's website.

## 12. Help and Advice

The Council has a **Planning Help Desk at Waverley Court**. If you would like any general advice on the planning process, please telephone the Planning Help Desk on **(0131) 529 3550** or email [planning@edinburgh.gov.uk](mailto:planning@edinburgh.gov.uk)

Alternatively, you can write to the Head of Planning at the address below:

**Head of Planning  
The City of Edinburgh Council  
City Development Department  
Level G3, Waverley Court  
4 East Market Street  
Edinburgh EH8 8BG**

**Further information on planning is available on the Council website [www.edinburgh.gov.uk](http://www.edinburgh.gov.uk) and on the Scottish Government website - [www.scotland.gov.uk](http://www.scotland.gov.uk)**

## 13. Planning Aid for Scotland (PAS)

*In most cases, a community council will find all necessary help and advice on the Council website. However, if you find that you are still unsure or need independent advice then Planning Aid for Scotland may be able to help. This 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. They can be contacted at the address below:*

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

**Tel: (0131) 220 9730  
email: [office@planningaidscotland.org.uk](mailto:office@planningaidscotland.org.uk)  
helpline: 0845 603 7602**

## 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
- should 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 Full details of 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 Regulations (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.

# **THE CITY OF EDINBURGH COUNCIL**

## **SCHEME FOR COMMUNITY COUNCILS**

### **1. Introduction**

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

### **2. Statutory Purposes**

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

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

### **3. The Role and Responsibilities of Community Councils**

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

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

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

Community councils should engage widely with their local communities to represent their views on the Neighbourhood Partnerships. It is essential that these views are demonstrated to be representative of the community

and the community council should expect to be able to explain why they have taken a particular position on behalf of the community. The community council will endeavour to devise strategies to secure greater involvement by all sectors of the community.

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

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

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

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

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

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

#### **4. Community Council Areas**

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

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

##### **Elected and Nominated Representatives**

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

The minimum age to stand for election as a community councillor is 16 years. Qualification for elected membership is by residency within the specific community council area. Elected representatives must also be named on the electoral register for the community council area in which they reside. Nominated representatives need not appear on the electoral register for the community council provided that they remain voluntary, active members of the nominating group. Some young people under the age of 16 <sup>3</sup>/<sub>4</sub> may not appear on the electoral register so registering can be confirmed by other means such as school registration.

##### **Ex Officio Representatives**

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

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

##### **Associate Representatives**

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

#### **6. Community Council Elections**

##### **Eligibility of Elected Members**

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

Sixteen and seventeen year olds residing in the community council area and named on the Electoral Register for that area and subject to the provisions in Clause 5 above are also entitled to both stand for the community council and vote in any election.

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

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

### **Nominations and Elections**

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

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

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

### **Returning Officer**

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

### **Nominations for Elected Representatives**

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

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

### **Election Process**

At the end of the nomination period:

1. If the number of candidates is more than HALF but less than the maximum permitted membership as specified for the community council area in Schedule 1 of this scheme, the candidates will be declared elected and no ballot will be held.

2. If the number of candidates exceeds the number of available places a ballot will take place. At the ballot, each voter shall be entitled to vote for candidates up to the number of vacancies for elected members on the community council, but cast no more than one vote for each candidate. For example if there are 26 candidates and 18 vacancies for elected members each voter can vote for up to 18 candidates but cast only one vote for each candidate.

3. If the number of candidates elected, is below **HALF** of the total maximum permitted membership, as specified for the community council area, no community council will be established at that time. However, this does not prevent a further request from 20 electors to the City of Edinburgh Council to make arrangements for the establishment of a community council under the terms of Section 52 (7) of the Local Government (Scotland) Act 1973.

### **Method of Election**

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

### **Eligibility, Appointment and Role of Nominated Representatives**

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

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

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

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

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



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

### **Filling of casual places/vacancies for elected members between elections**

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

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

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

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

### **Co-opting members through the casual vacancy process**

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

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

### **Constitution**

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

## **7. Equality & Diversity**

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

## **8. Disqualification of Membership**

Disqualification of membership is automatic under the following circumstances:

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

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

Registered interest groups shall ensure that their nominated representatives conform to the attendance clause above and must remain voluntary, active members of the group.

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

## **9. Meetings**

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

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

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

## **10. Liaison with the City of Edinburgh Council**

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

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

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

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

## **11. Resourcing a Community Council**

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

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

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

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

The annual accounts of each community council shall be independently examined by at least one examiner appointed by the community council, but who is not a member of the community council. A copy of the independently examined statement of accounts/balance sheet shall be forwarded as soon as the statement is approved, to a named officer of the

City of Edinburgh Council who may, at their discretion and in consultation with the Council's Chief Financial Officer, request the community council to produce such records, vouchers and account books as may be required.

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

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

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

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

## **12. Code of Conduct**

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

## **13. Community Council Boundaries**

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

## **14. Dissolution of a Community Council**

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

If a community council fails to hold a meeting for a period of 3 consecutive prescribed meeting dates; or its membership falls below the prescribed minimum for a period of 3 consecutive prescribed meeting dates, during which time the community council fails to address the situation, the City of Edinburgh Council may take action to dissolve that community council.

## Schedule 1

### THE CITY OF EDINBURGH COUNCIL - COMMUNITY COUNCILS

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

**THE CITY OF EDINBURGH COUNCIL**

**COMMUNITY COUNCILS**

**PROCEDURE FOR THE APPOINTMENT OF COMMUNITY COUNCIL  
NOMINATED MEMBERS**

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

Registration for community council purposes will be accepted from any local interest group provided it complies with the following criteria:

- The organisation must be a voluntary group which has been in operation for at least 12 months prior to the notice of election.
- The organisation must be a properly constituted group with a publicly available constitution, the objects of which explains how it provides services for public benefit not restricted to its members.
- The organisation must have a committee that (after the first year) is elected at an AGM and has a minimum of 3 members

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

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

3. Local interest groups may register with the City of Edinburgh Council at any time of the year. The Community Council Liaison Officer will notify the relevant community council(s) when an application for registration has been received and will inform the community council(s) when an appointment has been approved.
4. Before an election local Interest Groups must reapply to be registered and approved groups. After the Notice of Election has

been published only those applications from local interest groups registered by the closing date for delivery of nomination papers for elected members, and subsequently approved by the City of Edinburgh Council, will be accepted.

5. Should the number of nominations exceed the number of places for nominated members on the community council, then a joint meeting for the appointment of nominated members will be held.
6. The date, time and place of the meeting of registered local interest groups will be fixed by the Returning Officer subject to the meeting taking place before the first meeting of the community council following the nomination and election period.
7. The Chair of the Joint Meeting will be the Returning Officer duly appointed by the City of Edinburgh Council.
8. Each registered local interest group will be entitled to send one voluntary representative to the Joint Meeting.
9. Each registered local interest group will be entitled to nominate one person for election as a nominated representative for the community council. This person must be a named individual. No political party or sectarian affiliations may appear on the nomination paper or on the voting paper.

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

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

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

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

12. If it comes to the attention of the City of Edinburgh Council that the following may apply:
- (a) a local interest group has ceased to operate,
  - (b) a local interest group has ceased to meet the criteria for registration, or
  - (c) the purposes for which a local interest group was set up are no longer relevant or no longer apply,
- the City of Edinburgh Council may require the local interest group to resubmit their registration forms and accompanying documents. In the event that the City of Edinburgh Council concludes that any of the above provisions (a) to (c) apply, or the local interest group fails to resubmit relevant documentation on request, the local interest group may be de-registered by the City of Edinburgh Council, in which case its nominated representative will cease to be a member of the community council.



**The City of Edinburgh Council****Code of Conduct for Community Councillors**

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

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

**Service to the Community**

As a community councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the community council Scheme as set out by the City of Edinburgh Council under the terms of the Local Government (Scotland) Act 1973.

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

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

**Selflessness**

You should take decisions solely in terms of the interest of the community that you represent. You must not use your position as a community councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

**Honesty & Integrity**

You have a duty to act honestly. If you have any private and/or personal interests in a matter for the community council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter. You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community.

## **Gifts and Hospitality**

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts above £10 should always be reported to and noted by the secretary of the community council.

## **Objectivity**

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

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

## **Appointments to other bodies**

You may be appointed or nominated by your community council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

## **Accountability**

You are accountable for the decisions and actions that you take on behalf of your community through the community council. You must ensure that the community council uses its resources prudently and in accordance with the law. Any expenses, allowances, or facilities provided for use in your duties as a community councillor must be used strictly for those duties and no other purpose.

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

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

## **Openness**

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

If you have dealings with the media, members of the public, or others not directly involved in your community council, you should ensure that an explicit distinction is made between the expression of your personal views

and opinions from any views or statement made about or on behalf of the community council.

## **Leadership**

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

## **Respect and General Conduct**

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

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

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

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

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

## **Conclusion**

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

August 2013