

Operational Guidelines for Community Councils



CC community
councils



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Procedure for an Initial Election

(Procedure for an initial election to form a community council in an area already designated in the scheme for the establishment of community councils)

- 1.1 On receipt of the application of 20 electors in accordance with Section 52 (7) of the Local Government (Scotland) Act 1973 the City Council, after due consideration, shall place a public advertisement, inviting the submission of nominations for elections to the community council for that area. Nominations shall be made by a proposer and seconder who must be electors for the area or appear on the supplementary list maintained for community councils. The persons nominated shall intimate in writing their acceptance. The City Council shall specify a closing date for receiving nominations which must be at least 2 weeks before the election date.
- 1.2 If the number of candidates is the same or less than the number of vacancies, no election shall be held and on the proposed election day those candidates shall then be declared to be duly elected. Where the number of candidates is less than the number of vacancies then the City Council shall take such action as it deems appropriate to foster the formation of a community council.
- 1.3 Where an election is necessary it shall be held by ballot at a polling meeting or meetings. These will be held at an appropriate time having regard to local needs. The number of polling places will be determined by the Chief Executive taking into account the availability of suitable accommodation.
- 1.4 Not less than 10 days before the date fixed for the election the City Council shall by public advertisement in the area or sub-area declare the time and place at which the election shall be held. Those who are unable to attend the relevant polling meeting will be invited to apply for a postal vote. The notice shall also indicate that those persons entitled to vote, who are not on the electoral role for the community council area or sub-area, should apply to the City Council to have their names included on the supplementary list of community council electors to be drawn up by the Council. Such persons must provide evidence of age, identity and residence before having their names entered on the list.
- 1.5 Only persons listed on the electoral roll for the area or on the supplementary list drawn up by the City Council shall be entitled to vote. They shall upon entering the polling meeting, have their names crossed off the relevant list. Each shall be issued with one ballot paper containing a list of nominated candidates and an instruction to electors of the number of votes they may place. The number of votes will correspond with the number of members to be appointed for the area or sub-area. The electors shall place a cross against the name of each of their selected candidates up to the maximum permitted and shall place their ballot papers in a box provided for that purpose. The Returning Officer, appointed by the City Council, shall place the postal votes forwarded to him by the Chief Executive of the City Council in the box. The votes may be counted at the meeting by persons selected by the Returning Officer or retained in a sealed box and forwarded to the Chief Executive's Department to be counted at the earliest possible date. The procedure to be adopted in respect of any area or sub-area may be pre-determined by the City Council or determined at the meeting by the Returning Officer.
- 1.6 The candidates receiving the highest number of votes in descending order up to the total number of places to be filled in respect of the area or sub-area concerned, shall be declared to be elected to serve on the community council. Such declaration shall be made by the Returning Officer, either at the meeting or, where the votes are not counted at the meeting, by public advertisement in the area or sub-area, as soon as possible thereafter. The Returning Officer shall forward to the Chief Executive of the City Council a list of the names of those elected.
- 1.7 The Chief Executive shall inform each successful candidate of the fact of their election and

within 4 weeks of the date of the election convene the first meeting of the community council. The meeting will be chaired by a person appointed by him pending the election of a Chairperson. The election of a chairperson shall be the first item on the agenda of the first meeting with the election of other office bearers thereafter.

1.8 The newly formed community council's constitution will be made available to all attending the first meeting.



Procedure for the appointment of a Delegated Member

- 2.1 Community councils shall regularly review those local community groups, which are selected to appoint a delegated member to represent that group's interests on the community council. The period of review should not exceed three years. This review process should encourage community councils to have an ongoing awareness of the changing circumstances within the community that it represents. If necessary groups should be changed to ensure that the community council is fully representative of the community.
- 2.2 Where a community council's constitution allows for delegated members, arrangements should be made to ensure their terms of office commence at the same time as elected members.
- 2.3 The community council shall advertise a list agreed by it of the local formally constituted community groups, who are to be invited to appoint a delegate member. The advertisement must be placed at least twenty-eight days before the date for receipt of nominations, and must specify the number of delegated member places available. The advertisement must contain details of the name and address of the secretary of the community council with whom the nomination forms are to be lodged. The notice must also indicate that any group aggrieved by its exclusion from the list may appeal within fourteen days by letter sent to the Secretary of the community council.
- 2.4 The community council will consider whether or not to accept a nomination from the group to appoint a delegated member. If approved the community council will accept the nomination and invite the group to the selection meeting as one of the candidates.
- 2.5 If the community council refuses to accept a group's request to put forward a delegated member, then the group may appeal to the City Council. The City Council will consider representations from both parties and take such appropriate action in the circumstances.
- 2.6 Where the number of groups exceeds the number of vacancies for delegated members, the community council shall initiate a selection process by inviting the nominating groups to present their case at a public meeting. All qualified electors in attendance at the meeting will vote to select the community groups to be invited to appoint a delegated member. The manner of selection shall be specified in a community council's constitution and shall follow a similar process to that for selecting elected members.
- 2.7 Where the number of groups equals or is less than the number of vacancies, such groups shall be declared to be entitled to appoint a delegated member to the community council.
- 2.8 Where vacancies remain after the selection process, the community council shall immediately inform the City Council who may take such action as it may deem appropriate in the circumstances.
- 2.9 Delegated membership of an individual is dependent on him/her remaining a member of the nominating group. Should his/her membership be terminated for any reason, the group shall immediately appoint a new delegate to serve the remainder of the current term of office. The group shall immediately notify the community council in writing of this change.
- 2.10 The nominating group shall annually confirm in writing to the secretary of the community council, the name of its representative who is to act as a delegated member. This gives the nominating group the opportunity to change its representative on an annual basis.
- 2.11 In the case where such a group ceases to exist, delegated membership is immediately withdrawn and the community council shall make arrangements to select another group to fill the vacancy.
- 2.12 If the community council deems that an individual who has been appointed as a delegated member is unsuitable to act as a community councillor, then it shall raise this

matter with the group concerned to attempt to resolve the situation. In the event that agreement cannot be reached, then either or both parties may request that the City Council considers the circumstances and decides on the course of action to be undertaken.



Procedure for Elections

(Procedure for elections by existing community councils)

3.1 Voting for candidates for election to a community council may take the following forms

- (a) show of hands at a public meeting
- (b) secret ballot utilising ballot papers and box
- (c) postal ballot
- (d) combination of any of those three

The following procedure is common to all of those forms of election.

3.2 The notice declaring the intention to conduct an election, and seeking nominations of candidates for election to the community council must be publicly advertised at least twenty eight days before the date on which the election, by whatever form, is to take place. The notice must specify arrangements to allow a permanent resident of the area to be included on a community council supplementary roll if they are not listed on the City Council's electoral register.

The notice must contain details of :-

- (a) the name and address of the person responsible for issuing and receiving nomination forms;
- (b) the closing date and time for receiving nomination forms which must be at least fourteen days before the election takes place;
- (c) the closing date and time for receiving application forms for inclusion in the supplementary roll which must be at least fourteen days before the election takes place; and
- (d) the date on which elections will take place and the statement as to whether the election will be by a show of hands at a public meeting, by secret ballot, by postal ballot or by a combination of those methods.

3.3 Where the number of nominations received exceeds the number of places available the election shall proceed. Where the number of nominations received is equal to or less than the number of places available those candidates shall, on the date of election, be declared to have been elected unopposed, subject to the provisions relating to the procedures for election by a show of hands at a public meeting.

3.4 METHOD

(a) Show of hands at a public meeting

Where an election is to take place by a show of hands at a public meeting, a second notice will be published at least 10 days before the meeting, restating the date of the election and giving further details of time and venue of the public meeting and listing the names and addresses of candidates and the number of votes that may be cast. This notice must contain the statement that where insufficient nominations have been received to fill the number of places available then nominations for election may be invited at the appropriate point during the meeting by the Chairperson.

Before the meeting, members of the public entering the premises will be identified as qualified electors, and entitled to vote, by referring to a copy of the electoral register, and/or supplementary role. A community council can issue a voting card which will be used during the voting process to identify the person to the tellers, as being a qualified person. This will distinguish them from members of the public who are entitled to attend the meeting but not to vote.

The Chairperson will at the appropriate point during the meeting list the nominations received. Where the number of nominations received is less than the number of places available the Chairperson will at his/her discretion call for additional nominations from the meeting. In taking this decision the chairperson will have regard to the quorum

specified in the Constitution as being necessary for the transaction of business at meetings of the community council.

The Secretary will record in the minute the names and addresses of the candidates, the proposers and the seconders. The candidates must agree to accept the nominations. On there being no further nominations the Chairperson will close the nominations and proceed with an election if there are more candidates than vacancies.

If the number of candidates is less or equal to the number of vacancies then those candidates shall be declared to be elected unopposed. Where an election is required the Chairperson, before commencing with the election, will appoint at least 2 tellers to count the votes and also advise electors of the maximum number of votes that they may cast.

The Chairperson will then call for votes for each candidate in turn, either by a show of hands or by the display of ballot cards. The tellers will count the votes and once they have agreed on the number of votes cast will advise the Chairperson who will declare the result. It is only at this point that the number of votes cast for candidates may be questioned or a recount requested. The candidates receiving the highest number of votes in descending order up to the total number of places to be filled, shall be declared to be elected to serve on the community council

The names and addresses of the newly elected community councillors must be notified to the City Council via the Community Councils' Resource Centre.

(b) Secret Ballot

Where an election is to be held by secret ballot the community council will appoint a person to act as Returning Officer who will make all arrangements for the holding of the election.

Prior to the date of the election a second notice will be published at least 10 days before the date of the election restating the date of the election. This notice will give details of the time and place, or places, at which polling will take place and list the names and addresses of candidates and the number of votes that may be cast.

Prior to issuing the second notice the community council may decide to proceed by way of an election by a show of hands at a public meeting and if they decide to proceed in this fashion the second notice shall follow the requirements relating to an election by a show of hands at a public meeting.

Prior to the poll opening and voting starting, the Returning Officer or other person responsible for conducting the election must have available:-

- ballot papers;
- ballot box or boxes;
- City Council Electoral Register and community council supplementary roll to identify qualified voters; and
- notices instructing voters as to the maximum number of votes they may cast.

On entering the polling place the voter shall be identified as being qualified to vote by referring to the register/roll. When their name has been found they will be given a ballot paper. The register will be marked against the voters name to indicate that they have been issued with a ballot paper.

At the close of the poll the ballot box will be opened in the presence of the candidates, or their representatives, and the ballot papers counted to establish the total number of persons voting. Each ballot paper will then be checked to ensure that no more than the maximum permitted number of votes has been cast and that the intention of the elector is clear. Any spoiled paper will be disqualified and will not be included in the count. The votes for each candidate will be declared, their details published and notified to the City Council via the Community Councils' Resource Centre.

The community council may decide not to count the votes immediately upon conclusion of the poll. The count must be undertaken as soon as possible thereafter and the results made available for public information.



(c) Postal Ballot

Where a postal ballot is to be conducted the community council will appoint a Returning Officer who will make all arrangements for the conduct of the ballot.

When the voters roll is complete and nomination forms received, the ballot papers must be prepared and issued to all qualified electors within the community council area. It is recommended that ballot papers are issued within seven days, and to give electors the remaining seven days to return their marked ballot papers. The ballot papers must be accompanied by a notice specifying the number of votes that may be cast and contain details of the address of the Returning Officer to whom the ballot paper must be returned and the date and time by which ballot papers must be returned.

The returned ballot papers will be retained in their envelopes until the expiry of the time for the return of votes. Thereafter they will be opened in the presence of as many of the candidates or their representatives as possible. The ballot papers will be counted and verified to ensure that none have more than the maximum permissible number of votes marked. Any papers with more than the permissible number of marks or where the electors intention is unclear, will be disqualified, and the ballot paper will not be included in the count. The votes for each candidate will be counted and the results announced. The successful candidates will be declared to be elected, their details published and notified to the City Council via the Community Councils' Resource Centre.

(d) Combination of Methods

It is permissible for a community council to select any of the above methods or any combination of these to conduct its election. It is however required that the method chosen should be clearly specified and included in its constitution.

The method to be used by a community council for the conduct of a ballot shall be stated in its constitution which must conform to the Scheme for the Establishment of Community Councils.

Elections shall be held in either June or October of each year.

Responsibilities and Rights of Glasgow City Council

RESPONSIBILITIES

The City Council's responsibilities are:-

- 4.1 To prepare, publish and review the Scheme for the Establishment of Community Councils, after due consultation with community councils and the public.
- 4.2 (a) On receipt of a petition from 20 or more electors of the area, the City Council will, in terms of section 52 (7) of the Local Government (Scotland) Act 1973 arrange for the formation of a community council in an area where one does not exist;
(b) In the circumstances where a petition is received from electors within the boundaries of an existing community council, then the City Council will consult with both parties to try and reach an amicable agreement. In the event that agreement cannot be reached, then the City Council will proceed in accordance with Section 53 of the Local Government (Scotland) Act 1973, by initiating the statutory 8 week public consultation period seeking to amend the Scheme for the Establishment of Community Councils. This will require that verbal and written submissions be made to the appropriate Committee or Sub-committee of the City Council specially convened for the purpose of enabling the City Council to consider the matter and to reach a decision appropriate to the given circumstances.
- 4.3 To provide financial and administrative assistance to community councils, subject to the various financial and resource constraints placed on the City Council. The City Council will provide an annual grant to community councils to meet the costs of the community council undertaking its statutory duties including:-
 - (a) representing the interests of the community council or community councils;
 - (b) stationery and small items of office equipment;
 - (c) postage;
 - (d) printing, promotion and advertising;
 - (e) secretary's expenses; and
 - (f) audit.

The administration grant shall only be used for administrative or secretarial expenses necessarily incurred on behalf of the community council and for no other purpose.

The City Council may provide grants to community councils for other purposes for example purchase of larger items of office equipment or to lease or acquire premises. These requests for financial assistance will necessarily be considered by the City Council in relation to other calls on its various resources.

- 4.4 The City Council has a statutory obligation to consult with community councils regarding planning applications. This is achieved by the Legal and Enforcement Services Department circulating a weekly list of planning applications to community councils. This list contains basic information regarding the applicant, agent, site address, proposed development and other locational characteristics.

A strict timescale is laid down in legislation which requires the City Council to determine planning applications within a period of two months and any consultation undertaken by the City Council must be completed within this period.

Consequently on receipt of the information from the Legal and Enforcement Services Department the community council then has only seven days to request further information regarding any particular application. Thereafter a fourteen day consultation period commences on the date that the Legal and Enforcement Services Department issue these further details. Reference should be made to Guideline 7 which contains further information on planning applications.

- 4.5 The City Council will help increase public awareness of community councils by providing publicity for common election dates. It is hoped that this will emphasise the special role of the community council, highlight the close co-operation with the City Council and also reduce expenditure by individual community councils on advertising elections.
- 4.6 The City Council will continue to provide information and facilities for training for community councils via the Community Councils' Resource Centre. Minutes and reports of the City Council's committees and sub-committees will be made available for inspection unless the information is specifically excluded from publication.
- 4.7 The City Council will maintain a sub-committee to meet the City Council's statutory duties in respect of community councils.
- 4.8 The City Council shall regard community councils as legitimate representatives of the community. City Council Departments will invite the views of community councils on relevant matters of general local interests. Council Departments will respond to correspondence by acknowledgement within ... days and substantively within ... days. (To be confirmed)
- 4.9 The City Council will work with community councils for the formation, development, and publicity of community councils.

RIGHTS

The rights which the City Council may choose to exercise are:

- 4.10 The City Council may appoint an officer to inspect the accounts and records of a community council at any time. The City Council may write to both the Chairperson and Secretary seeking access to the records, and either of them, or any community council representative, must contact the appointed officer within 7 working days of the date of the letter, to make arrangements for the inspection to take place. The inspection must take place within 21 working days of the date of the original letter.
- 4.11 Where it appears that a community council is not complying with the requirements of the Scheme, the circumstances will be discussed initially by the Chief Executive and the community council with a view to resolving any problems and restoring compliance by the community council with the Scheme. In the event that agreement cannot be reached, the City Council may suspend the community council from recognition in terms of the Scheme for the Establishment of Community Councils. This action will be taken only if the community council is found not to be conforming to the Scheme and will result in the community council losing the rights to:-
- (a) consultation on any City Council matter;
 - (b) receive grants; and
 - (c) receive City Council minutes.
- In these circumstances, the community council will revert to the status of a steering committee. The principal aim of the steering committee will be to review the current circumstances and to proceed to take the action necessary in terms of the Scheme to re-establish the community council.
- The City Council in exceptional cases, reserves the right to immediately suspend recognition of a community council in terms of the Scheme. This action, and the reasons for it, will be notified in writing by recorded delivery to both the Secretary and Chairperson. In these circumstances the community council will be offered the opportunity to be represented at the City Council committee which is to consider this action.
- 4.12 The City Council will dissolve a community council which is not conforming to the Scheme for the Establishment of Community Councils. The normal process for the dissolution of a community council will follow from the normal consultation process laid down for the suspension of a community council.
- The City Council may however, immediately dissolve a community council in the exceptional circumstances where reasonable grounds indicate that a community council:-
- (a) has been abandoned, and is no longer operating, or

(b) is significantly diverging from the Scheme.

Where a community council is dissolved there is an obligation on the City Council and the community council to arrange for an orderly gathering of funds and assets of the community council, and for those funds and assets to be disposed of in accordance with the following principles.

4.13 The general principle is that where a community council is dissolved the funds and assets held by it at dissolution should be made available to a successor community council, which failing, they should be utilised for the benefit of the community within its area. The City Council will recover all assets which it has provided or which have been acquired through funds provided by it. Any grant assistance which has been provided by the City Council for the administration of the community council will be recovered by it on a pro rata basis having regard to the length of time remaining of the 12 month period for which any such administration grant may have been provided by it.

The dissolved community council, in conjunction with the City Council, will make arrangements for handing over its resources to any successor community council, which failing, will make arrangements, in conjunction with the City Council, for applying its resources, other than those provided by the City Council, to other organisations in the locality for the benefit of the community within its area.

If the dissolved community council is unable or unwilling to act in conjunction with the City Council for the onward transference of resources the City Council will take possession of all funds and assets of the community council with a view to making available to a successor community council such resources as may have been acquired by the dissolved community council from sources other than the City Council. Where no successor community council is established such assets will be deployed by the City Council for the benefit of the community within the community council area. In order to provide for these circumstances community councils must make provision in their constitutions for the proper administration of funds received from elsewhere other than the City Council.

The financial assets recovered from a dissolved community council, whether assets provided by the City Council or those assets provided from other sources but taken into the possession of the City Council, shall be retained by the City Council for a period of 12 months. Funds will be held in a suspense account. Such assets shall be transferred to a successor community council should one be re-constituted within that period. If no successor community council is formed within the 12 months then the funds and assets shall be made available to the local area committee to be utilised for the benefit of the community within its area.

4.14 The City Council has the right to receive from community councils copies of -

- (a) minutes of all meetings,
- (b) annual report, where produced,
- (c) audited accounts, and
- (d) property list.

These items shall be provided to the Community Councils' Resource Centre as soon as they have been formally approved by the community council.

The City Council has the right to inspect accounts and records and will initiate the right through communication with the Chairperson and Secretary.

Procedure for the Suspension or Dissolution of a Community Council

Suspension of a community council

5.1 A community council may be suspended from recognition in terms of the Scheme for the Establishment of Community Councils by Glasgow City Council. This action will be taken only if the community council is found not to be conforming to the Scheme and will result in the community council losing the right to:

- (a) consultation on any City Council matter;
- (b) receive grants; and
- (c) receive City Council minutes. (See page 4:2, Para 4.11)

In these circumstances, the community council will revert to the status of a steering committee. The principal aim of the steering committee will be to review the current circumstances and to proceed to take the action necessary in terms of the Scheme to re-establish the community council.

5.2 The City Council will notify the Secretary of the community council in writing where it is considered that a community council is not conforming to the Scheme. Arrangements to discuss and resolve the difficulties within an agreed timescale will be made. If agreement cannot be reached or compliance with the Scheme cannot be achieved, the matter will be reported to the appropriate City Council committee. Recommendations will be made to the City Council committee that the community council be suspended and given three months to take action to comply with the Scheme. The community council will be notified in writing of the City Council's decision.

5.3 The status of the community council will immediately revert to a steering committee with no rights of a community council. During this period there will be an ongoing consultation process offering assistance and advice. This will aim to rectify areas of difficulty and allow the community council to be recognised as conforming to the Scheme and the restoration of full rights.

5.4 Each case will be considered on an individual basis, however, assistance offered to a steering committee may include the provision of a grant to meet administrative costs.

5.5 At the end of a three month period a further report will be submitted to the City Council recommending:

- (a) restoration of full rights to the community council;
- (b) continuation of the matter in the hope of achieving compliance; or
- (c) dissolution of the community council.

5.6 A community council can decide to suspend voluntarily its operations but must notify the City Council immediately, via the Community Councils' Resource Centre. The community council must advertise and convene a special public meeting to consider this matter and must gain the approval of a majority of qualified electors present at the meeting. The community council will immediately notify the Community Councils' Resource Centre of the decision to allow the City Council to take appropriate action in the circumstances.

5.7 In exceptional cases the City Council reserves the right to suspend immediately recognition of a community council in terms of the Scheme. This action and the reason for it will be notified in writing by recorded delivery to the Secretary and the Chairperson. The community council will be offered the opportunity to be represented at the City Council committee which will be held within 14 days of the suspension which will consider the action which has been taken.

Dissolution of a community council

5.8 A community council which is not conforming to the Scheme for the Establishment of Community Councils will be dissolved by the City Council. The City Council will intimate

the dissolution of a community council by a public notice and by writing to the Secretary and Chairperson of the community council. The rights and privileges of the community council will immediately cease and it must make immediate arrangements to terminate all its activities and transfer all assets to the City Council.

The normal process for the dissolution of a community council will follow from the consultation process laid down for the suspension of a community council.

5.9 The City Council may however, immediately dissolve a community council in the following exceptional circumstances where reasonable grounds indicate that a community council:-
(a) has been abandoned and is no longer operating, or
(b) is significantly diverging from the Scheme.

5.10 The City Council will give advance public notice of this intention and invite written submissions to be sent to the Community Councils' Resource Centre for the consideration of the appropriate City Council committee.

A written invitation will be sent to the Chairperson, Secretary and Treasurer of the community council to attend the meeting of the City Council committee convened to consider the dissolution.

Each, or all, of the Office Bearers have the right to attend, be represented by, or accompanied by, a representative who may speak on their behalf.

The community councillors and their representatives shall withdraw from the meeting after giving their submission to allow the matter to be considered by the City Council committee.

The Chairperson, Secretary and Treasurer will receive in writing an intimation of the decision of the City Council committee, whether or not they were in attendance at the meeting. A public notice in the area will also be displayed outlining the decision of the committee.

5.11 Where a community council is dissolved its funds and assets will be disposed of in accordance with the requirements of Operational Guideline No 4.

To that end all members of the dissolved community council are required to co-operate with officers of the City Council in the orderly disposal of assets. Every community council shall make provision in its constitution for the disposal of its assets in accordance with Operational Guideline No 4 should it be dissolved. Every community council shall also provide its bankers with an instruction for the transfer of funds to the City Council on provision of written proof of the dissolution from the City Council. Such instructions from the City Council to the bankers will only be given in accordance with the requirements of Operational Guideline No 4.

5.12 A community council may decide on voluntary dissolution but must notify this intention to the City Council via the Community Councils' Resource Centre. The community council must advertise by giving at least 7 days prior notice and convene a special public meeting to consider this matter and must gain the approval of a majority of qualified electors present at the meeting. If no such majority is forthcoming but the community council is still resolved to dissolve voluntarily then the matter must be referred to the City Council for it to take whatever appropriate action is necessary in the circumstances. Where there is a majority in favour of dissolution at the public meeting, the community council will immediately notify the Community Councils' Resource Centre of the passing of such a resolution. This will enable the City Council, in conjunction with the community council, to take such action as is necessary for an orderly winding up of the community council.

Disqualification of Community Councillors

Elected and delegated members

6.1 A community councillor must resign his/her position if elected as:-

- a Glasgow City Councillor;
- a Member of Parliament;
- a Member of the Scottish Parliament; or
- a Member of the European Parliament.

6.2 A community councillor cannot hold a position of both an elected and a delegated member of the community council. It is however possible to change from one position to another after resigning from the original position. At no time can any individual have more than one personal vote.

6.3 The community council must adhere to Glasgow City Council's Equal Opportunities Policy when selecting the list of organisations from whom delegated members will be elected.

6.4 When drawing up its constitution the community council may specify the circumstances which will disqualify an individual from holding the position of community councillor. Suggestions for such circumstances include:

- absence from a number of community council meetings without reasonable explanation or apology;
- where any person has, within 5 years before the day of nomination or election as a community councillor or since his/her election as the case may be, been convicted in the United Kingdom, Channel Islands, the Isle Man or the Irish Republic of any offence and has had passed on him/her a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months without the option of a fine;
- undischarged bankruptcy;
- contravening the community council constitution.

Elected Members

6.5 In order to remain an elected member in a specific community council, the member must:

- remain resident within the area or sub-area;
- be 16 years of age or over; and
- be listed on either the City Council's Electoral Register or any Supplementary Roll prepared by the community council.

Delegated Members

6.6 In order to remain a delegated member of the community council:

- the member must remain a member of the group which has appointed him/her;
- the nominating group must annually confirm to the community council its appointment of a particular individual as its delegated member;
- the delegated membership of an individual will immediately be withdrawn if the nominating group ceases to exist;
- formal elections must be held in order to select/re-select a local community group to be given the right to appoint/re-appoint a delegated member to the community council. Appointments will be made by a vote of the qualified residents at the meeting. In the event of the group's failure to be re-selected, delegated membership will immediately be withdrawn.

6.7 The community council has the power to reject any individual appointment by a nominating group as its delegated member. In these circumstances the community council must intimate its reasons for rejecting that individual to the nominating group. If the

nominating group finds the reasons acceptable, then it may appoint another individual from its group to be the delegated member. If the nominating group does not find the reasons acceptable, and agreement cannot be reached with the community council, then the details should be reported to the Community Councils' Resource Centre inviting the City Council to consider the matter.

- 6.8 The community council has the power to withdraw the right of any group to appoint a delegated member. Where a community council first experiences difficulty with a group, then informal discussions should commence immediately with the group to resolve these matters. Should agreement not be achieved, then the community council must convene a meeting to discuss, approve, and minute any course of action to de-select a group. It must then advise the group of the intention to withdraw this privilege, and also intimate its reasons for this. The community council must then convene a meeting to allow the community council to arrive at a decision, which will be intimated to the group in writing. If a group feels aggrieved by the community council's decision, then it may write to the Community Councils' Resource Centre requesting that the City Council considers the matter.





Procedures for Consultation on Planning and Commenting on Licensing Applications

PLANNING APPLICATIONS

- 7.1 The City Council has a statutory obligation to consult with community councils regarding planning applications. This is achieved by the Legal and Enforcement Services Department circulating a weekly list of planning applications to community councils. The list contains basic information regarding the applicant, agent, site address, proposed development and other locational characteristics.
- 7.2 On receipt of the weekly list of planning applications the community council then has only seven days to request further information regarding any particular application, thereafter a fourteen day consultation period commences on the date that the Legal and Enforcement Services Department issue those details. Community councils must keep the Legal and Enforcement Services Department advised of the person to whom all notices must be sent. Where problems of communication are experienced the matter should be referred to the Community Councils' Resource Centre for resolution.
- 7.3 As community councils have little time to consider and comment on an application it is recommended that a sub-committee be formed with at least 3 community councillors to allow for a timeous response. The terms of reference and delegated powers of the sub-committee must be clearly laid down and recorded in the community council's constitution or minutes. It is the responsibility of the sub-committee to ensure that all its decisions and actions are subsequently reported to and approved by the community council.

Further information is given on the processing of planning applications in the Members Information sheets overleaf.

MEMBERS INFORMATION SHEET



Processing Planning Applications

Introduction

The Development Process

Planning permission is required for the erection of most buildings and for the material change of use of land and buildings. The processing of planning applications is one of the Council's most important statutory functions. In 1995/96 Glasgow received over 3,500 planning applications and through these applications generated a fee income in excess of £1.2m. Investment in the City itself through new building and refurbishment projects is estimated in hundred of millions of pounds each year and provides associated spin off in construction and service sector jobs. Development Control is a crucial part of the planning and development process. The authority encourages the right quality of development, in the right location, and that good decisions are made as quickly as possible.

Planning Applications

When a planning application is submitted to the authority, it should consist of two application forms, four sets of plans and an appropriate fee. On receipt, the application is checked by a planning officer to make sure it satisfies all statutory requirements and then registered. It should be noted that applications include proposals for listed buildings, advertisements, minerals and certificates for lawful use, as well as development proposals.

Statutory Timetable

The planning authority has a statutory duty to process an application (ie make a decision) within two months of receipt. This is a difficult timetable to meet and for major applications of city-wide importance it is almost impossible. Nevertheless, procedures must be in place to ensure that in a majority of cases the local authority can satisfy this requirement and that it does not unnecessarily delay the decision-making process.

The Weekly List

As applications are registered they are added to a 'weekly list' of applications. Every week this list is sent to each Councillor. The list highlights those applications to be dealt with under delegated power. All active Community Councils throughout the City receive a list of all applications affecting their area. The Ward and Community Council are clearly identified for each application site on the circulated weekly list

Committee/Delegated

Those applications identified as 'to be decided by Committee' include planning applications for major retail/office/housing/industrial developments. Applications 'with potential to be dealt with under delegated powers' include routine applications for similar developments, applications for the display of advertisements and applications for approval of reserved matters (this is, the detailed drawings necessary to fulfil a previously granted outline application). Application identified as 'delegated' automatically goes to Committee for a decision if any objections are received to it, or if requested by a Councillor, or if recommended for refusal.

The Planning (Development Applications) Sub-Committee

At present approximately 20 applications/reports per week are considered by the Planning (Development Applications) Sub-committee which is held on a weekly basis, normally at 1.15

pm on a Tuesday. During the summer recess it is necessary to hold two meetings to provide a degree of continuity in the decision-making process, to avoid delay to applicants and to ensure that an unacceptable backlog of applications is not created for submission to a Sub-Committee in August. In the summer of 1996, for example, over 72 separate items on planning applications were considered by Planning Committee Members at the two July meetings.

Site Visits and Hearings

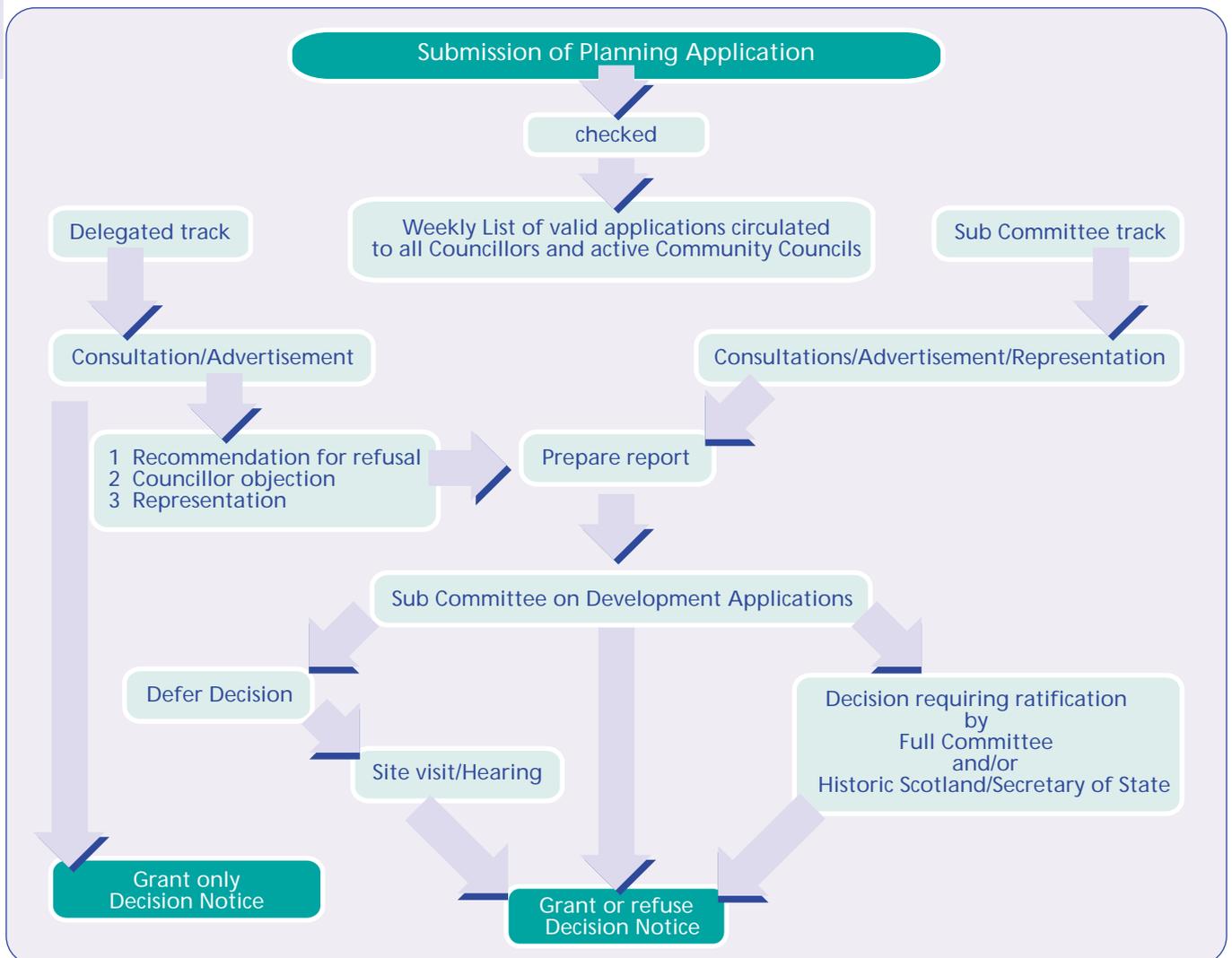
Prior to reaching a decision, a request can be made by the Member for a site visit and hearing. For complex applications this process allows both the developers and objectors to express their views to the Members prior to a decision being reached. However, these site visits and hearings can create their own difficulties causing delay in the decision-making process and inconveniences to interested members of the public. Requests for a site visit/hearing should be made in writing to the Chairman or Chief Executive.

The Decision

Many minor applications are approved by the Director of Planning and Development under the delegated powers procedure.

The majority of applications referred to the Planning (Development Application) Sub-Committee are decided by the Sub-Committee, with the decision notice being issued immediately thereafter, unless a councillor specifically requests that it be ratified by the Planning Committee. In certain circumstances an application may also have to be referred to either Historic Scotland or to the Secretary of State for Scotland for final approval.

PROCESSING OF A PLANNING APPLICATION



LICENSING APPLICATIONS

Introduction

- 7.4 The City Council does not directly notify community councils of individual licensing applications made within its area (with the exception of Late Hours Catering, Public Entertainment, and Street Traders Licences which involves the establishment of a stance for trading). The standard procedure for notifying the community of licensing applications is by public notice, normally by newspaper advertisement, and by notice at the site. It is the responsibility of individual members of the public to observe these notices, and raise an objection.
- 7.5 It is likely that the timescale available for each community council to consider any application will be short. Each community council may therefore wish to appoint a sub-committee to have responsibility for considering and commenting on licensing matters on its behalf.
- 7.6 The sub-committee must have at least three members, and must have clearly defined terms of reference and delegated powers. These details must be specified in either the community councils constitution, or in the minutes of one of its meetings. It is the responsibility of the sub-committee to ensure that all its decisions and actions are subsequently reported to, and approved by, the community council.

LICENSING COMMITTEE (CIVIC GOVERNMENT (SCOTLAND ACT) 1982 APPLIES)

7.7 The Licensing Committee deals with licence applications for:

- Taxis and Private Hire Cars;
- Late Hours Catering;
- Public Entertainment;
- Street Traders;
- Amusement with Prizes Machines;
- Houses in Multiple Occupancy;
- Window Cleaners;
- Second Hand/Metal Dealers;
- Itinerant Metal Dealers;
- Theatres;
- Boarding/Riding Establishments;
- Cinemas; and
- Pet Shops/Breeding Establishments,

(the above list is not exhaustive but covers the main licence applications made).

7.8 No list of competent objectors is given in the 1982 Act and no special status is given within the Act to community councils. However, the Licensing Committee has undertaken to advise the relevant community council of any applications within its area of all applications for:

- Late Hours Catering Licences;
- Public Entertainment Licences; and
- Street Trader's Licences which involve the establishment of a stance for trading.

Paragraph 3 of Schedule 1 to the Civic Government (Scotland) Act 1982 lays out the procedure which requires to be followed in relation to any objection or representation relating to an application for the grant or renewal of a licence in terms of that Act .

In this context the Licensing Committee is the Licensing Authority as it deals with applications under the Civic Government (Scotland) Act. The Licensing Board has responsibility only for liquor licensing applications in terms of the Licensing (Scotland) Act 1976.

- 7.9 The Licensing Committee will only entertain objection or representation if it is:-
- in writing;
 - specifies the ground of the objection;
 - specifies the name and address of the person making the objection or representation;
 - is signed by him/her or on his/her behalf;
 - was made within 21 days of either the first date when public notice of an application was given or the date on which a further public notice is required to be displayed or the date on which the application was made whichever is the latest; and
 - late objections or representations will only be considered if the Licensing Authority is satisfied that there is sufficient reason why they were not made on time.
- 7.10 An objection or representation may be made by personal delivery or by ordinary or registered or Recorded Delivery post so that in the normal course of post it might be expected to be delivered on time. The Licensing Authority is required to send a copy of any relevant objection or representation to the applicant to whose application it relates.
- 7.11 In terms of Paragraph 4 of Schedule 1 to the 1982 Act the Licensing Authority may, before reaching a final decision upon an application, give the applicant and any person who has made a relevant objection or representation in relation to the application, an opportunity to be heard. If the Licensing Authority does give the objector or the applicant the opportunity to be heard the parties must be given not less than 7 days notice of the hearing. This notice will be given in writing. However, the Authority is not obliged to give applicant or objector a right to be heard in respect of an application.
- 7.12 If a relevant objection or representation is made and no hearing is to be given to the applicant he/she must be given the opportunity to give his/her views in writing on the objection or representation within a period of not less than 7 days.
- 7.13 Paragraph 5 of Schedule 1 to the 1982 Act stipulates that where an application for the grant or renewal of a licence has been made to a Licensing Authority it shall (a) grant or renew the licence unconditionally; (b) grant or renew the licence subject to conditions or (c) refuse to grant or renew the licence.
- 7.14 Conditions to which the licence may be subject must be reasonable and may include restricting the validity of the licence to an area specified in the licence and where the licence is intended to replace an existing licence, may include a condition requiring the holder of the existing licence to surrender it.
- 7.15 An authority should not refuse an application if it is of the view that its concerns could be met by granting the licence subject to appropriate conditions.
- 7.16 The Licensing Authority must refuse an application to grant or renew a licence if, in its opinion one of several grounds of refusal have been established but otherwise must grant the application. The statutory grounds for refusal are:-
- (a) That the applicant (or Director or partner or other person responsible for its management) has been disqualified from holding a licence or is not a fit and proper person to be the holder of the licence;
 - (b) The activity to which the licence relates would be managed by or carried on for the benefit of the person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;
 - (c) If the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel which are not/is not suitable or convenient for the conduct of the activity having regard to; the location, character or condition or the premises or the character or condition of the vehicle or vessel; the nature and extent of the proposed activity; the kind of persons likely to be in the premises or vessel; the possibility of undue public nuisance; or public order or public safety or other good reason for refusing the application.

Notification of the authority's decision must be made within 7 days of the decision.

At the Meetings

7.17 The Act does not prescribe in detail the conduct of the hearing at which a Licensing Authority considers an application. However, it is the usual practice in Glasgow for the Clerk to call out the type of application being applied for together with the name of the applicant and for the applicant and/or his/her agent to come forward and identify themselves. The name of any objector will be called and the objector asked to identify him/herself. The objector is normally then asked to state the nature of the objection. This statement should be confined to speaking to the reasons for the objection as outlined in the written objection sent to the Licensing Authority. No new or additional grounds for objecting may be raised at this stage since, clearly, the applicant will have had no advance notice of these as the Act requires. Once the objector has spoken to his/her objection, the applicant will be given the opportunity to reply.

Following this the objector and applicant in turn may be given further opportunity to make representation to the hearing but this will be at the discretion of the Sub-committee.

Decision

7.18 The legislation only requires the Licensing Authority to intimate its decision within 7 days of it being made. However, it is now the practice for the Sub-committee to announce its decision in public on the day on which it is made. The practice now is that the Sub-committee will hear several applications in succession and will then retire to consider its decisions in relation to these. Upon returning to the bench the decisions will be announced by the Clerk. At that stage no further discussion relating to the applications in question will be permitted, nor will reasons for the decisions be given. A statement of reasons for the decision may be requested and, since there is no shorthand writer present at these meetings, such a request should be made in writing and must be made within 28 days of the decision.

Written objections and requests for statements of reasons should be sent to

Licensing Section,
Legal and Enforcement Services Department,
Glasgow City Council,
City Chambers,
GLASGOW G2 1DU.

Should you require further information on the above, please write to the above address.

LICENSING (SCOTLAND) ACT 1976, BETTING & GAMING AND LOTTERIES ACT 1963, AND GAMING ACT 1968 APPLIES

Licensing Board

7.19 The Licensing Board deals with liquor licensing, betting offices, bingo halls and casinos.

There is a recognised list of competent objectors:-

- (a) persons owning or occupying property situated in the neighbourhood of the premises to which the application relates or an organisation which, in the opinion of the Board, represents such persons;
- (b) community council for the area in which the premises are situated;
- (c) organised church representing a significant body of opinion amongst persons resident in the neighbourhood of the premises;
- (d) Chief Constable;
- (e) Fire Authority for area in which the premises are situated;
- (f) Local Authority for area in which the premises are situated.

How to Object

- 7.20 ● In writing not later than 7 days before meeting. Date will be given on notice at premises and in newspaper advert.
- Objection must be lodged with the Clerk to the Board and an identical copy lodged with the applicant or his agent.
 - The objector must send a copy of the objection by registered post, recorded delivery or hand delivery.
 - The objector must list grounds of objection; eg for liquor licensing
 - (a) applicant is not fit and proper person to be holder of a licence;
 - (b) premises are not suitable or convenient for sale of alcoholic liquor. Location, character, and condition, taking into account the nature and extent of the proposed use and the persons likely to use the premises;
 - (c) use of the premises for the sale of alcoholic liquor is likely to cause undue public nuisance or threat to public order and safety; and/or
 - (d) grant of the application would result in over provision of licensed premises in the locality.
 - Objection must give name and address of the person making the objection and be signed by them or on their behalf.
- 7.21 The Licensing Board will consider all competent objections whether or not the objector appears at the meeting.
All objectors will be invited to attend the meeting and will receive a letter giving details of the time and place and application number.

At the Meetings

- 7.22 ● The application number, premises and applicant details will be called out.
- The applicant and/or their agent will come to the microphone at the front of the hall.
 - The Clerk will read out a list of objectors and invite any of those objectors who are present and wish to address the Board to come forward and identify themselves.
 - A decision has to be made by the Board as to whether the objection is competent, both in terms of service and content.
 - The applicant/agent will address the Board on the merits of the application.
 - The objector will then outline his/her reasons for objections. No new issues can be raised, the objector must cover the grounds listed in the written objection.
 - The applicant will be given another opportunity to address the Board.
 - Questions can be asked by the Board members to both the applicant and the objector.

Decision

- 7.23 After considering a number of applications the Board will adjourn to consider these submissions. The Board will then return and announce the decision.
- 7.24 A statement of reasons can be requested by the applicant or objector at the meeting or in writing within 48 hours of the decision.

Conducting Community Council Meetings

8.1 A community council can conduct its business in a way which it considers appropriate for its own situation. These notes are for general guidance and are based on Glasgow City Council's own procedures and standing orders.

Advertising Meetings

- (a) A meeting must be advertised in public places at least 7 days before the meeting is due to take place. The notice should be placed in a number of locations in the area and at least in the agreed places identified to the Community Councils' Resource Centre.

Advance Notice to Members

- (b) Written notice of the meeting, an agenda and minutes of the previous meeting must be sent to all members including ex officio members at least 7 days before the meeting takes place.

Quorum

- (c) The Chairperson will call the meeting at the chosen time and location. If a quorum of members is not available the Chairperson can either (a) Delay the start of the meeting to see if more members arrive and achieve a quorum or (b) Postpone the meeting to a later date if it is unlikely that more members will arrive. If the meeting is postponed reasonable notice must be given before convening a new meeting.

Chairing the Meeting

- (d) The Vice-Chairperson should conduct meetings if the Chairperson is not in attendance at the time of the meeting. This should continue until the Chairperson arrives or until the business is completed. If the Chairperson and Vice-Chairperson are both unavailable, an Office Bearer, whom failing a member shall be selected to conduct the meeting.

Chairperson's Duties

- (e) The Chairperson should conduct the business of the meeting, maintain order, decide who shall speak and if necessary request a speaker to draw their remarks to a close. All comments should be addressed to the Chairperson. Other speakers should be discouraged from commenting to allow order to be maintained and a clear minute of the meeting to be produced.

Order of Business

- (f) The Chairperson should follow the order of business on the agenda unless circumstances change and the community council agrees changes to the order of business. A common order of business is as follows:
- Convenor takes the Chair and the Secretary records the sederunt;
 - any declarations of interest on matters of business on the agenda;
 - apologies;
 - late items
 - minutes of:-
 - (i) the previous meeting of the community council;
 - (ii) meetings of any sub-committees;
 - correspondence;
 - regular reports:-
 - (i) Treasurer;
 - (ii) Secretary;
 - special reports;

- deputations may be heard;
- ordinary items of business;
- any other competent business not on the agenda but notice of which was given after the item recording apologies and was agreed by the community council to be discussed at this meeting;
- open forum (see 8.3 below); and
- arrangements for next meeting.

A standard order of business form, which may be added to as circumstances require, is shown in Appendix 1 to this Guideline.

- 8.2 Members of the public have a right to attend all community council meetings, but only have a right to speak at the annual meeting and other public meetings called for public consultation by the community council. The public may speak at ordinary meetings with the consent of the Chairperson.
- 8.3 Some community councils have an “open forum” as the final item on the agenda at all their regular meetings. This enables members of the public to bring matters of interest or concern within the community to the attention of the community council. Discussion during the “open forum” may not change any decisions taken earlier by the community council. If new information is made available, agreement may be reached to reconsider the matter at a subsequent meeting.
- 8.4 The “open forum” item on the agenda is recommended as good practice. It should serve as another means of consulting with the public and enhancing the effectiveness and responsiveness of every community council.

Voting on a Motion

- 8.5 The Chairperson should allow as full a discussion as possible of all of the items under consideration in conducting the business of the community council. The Chairperson may set a time limit on the duration of each speech if there are many individuals wishing to speak or where it is expected that discussion of a matter will be lengthy. It may be useful to allow a representative of each different point of view a short period to summarise their argument and respond to the opposing opinion.
- 8.6 If no agreement can be reached on a matter of business before the community council and the discussion cannot be postponed until a later date, the matter shall be put to a vote. All votes shall be taken by a show of hands. Voting shall follow the following procedure. A motion concerning the matter shall be proposed and seconded. Anyone otherwise minded shall propose an amendment which must also be seconded. Additional amendments may also be proposed and seconded. No-one shall be able to propose or to second more than one proposal. Votes shall then be taken by a show of hands on the motion and the amendment or amendments. Members shall be entitled to one vote only. The Chairperson shall have a second or casting vote in the event of an equality of votes. When the votes have been counted the proposal which secures a majority of all votes cast shall be declared to be the decision.
- 8.7 If the vote is taken where there is a motion and more than one amendment and no one proposal secures the majority of the votes cast, the proposal with the least number of votes shall be dropped and a fresh vote taken on the remaining proposals and so on until one proposal receives a majority of votes cast. Once a motion has been passed by the community council it should remain unchallenged. No motion contrary to it should be considered for a period of six months or a period stated by the community council in its constitution.
- 8.8 A member who has not spoken on the matter may propose at any time during a discussion that a vote be taken immediately without further debate by requesting that “the question be now put”. If this is seconded and the Chairperson believes that sufficient debate has taken place, then the proposer of the original motion shall be permitted to make a few closing remarks before the matter is put to an immediate vote.



Register of Interests

8.9 Each community council will maintain a Register which will contain declarations by members of the community council in which they will disclose any financial or non financial interest which they, or close family members, have which members of the public might reasonably think could influence their judgement on a relevant matter coming before the community council. The Register shall be known as a Register of Interests and shall be available for inspection by members of the public. The Register of Interests will be in the form shown in Appendix 2 to this guideline. The fact that a community councillor has declared an interest on the Register does not affect their obligation to declare an interest at a meeting, in accordance with the immediately following paragraphs, should circumstances arise which would require such a declaration.

Declarations of Interest

8.10 A member shall declare in advance any financial or other interest however minor that they or their immediate family may have in any matter which comes before the community council for consideration. The member shall withdraw from the meeting during consideration of this item of business and shall take no part in the discussions or decision thereon. If a member is unclear as to whether something is sufficiently material so as to require him or her to make a declaration of interest he/she will declare it nevertheless to the community council for guidance who shall decide if the member should make a declaration of interest and accordingly withdraw. Unless those members present to whom the request for guidance has been made are unanimous that the matter does not require a declaration of interest, then the member will require to make a declaration of interest and to withdraw.

8.11 If it is subsequently established that a member had an interest in an item of business dealt with by the community council but had failed to declare that interest and to withdraw, the item of business shall be placed on the agenda of the next available meeting of the community council for re-consideration. The earlier decision may be adhered to or completely altered.

8.12 At that next meeting of the community council, the community council will also consider the position of the member who failed to make the declaration of interest and having considered this issue will be entitled to suspend the member from all meetings or activities of the community council for a period not exceeding 4 months.

8.13 The member who failed to make the declaration of interest will retire from the meeting during the reconsideration of the item of business and also during consideration of the matter of his/her suspension.

Secretary's Duties

8.14 It is the secretary's general responsibility to ensure that a true and accurate record is prepared of every community council meeting, in the form of a minute. The Scheme for the Establishment of community councils requires that a minute must record:

- (a) the date, time and place of the meeting;
- (b) the names and status of those members and other persons attending the meeting;
- (c) the names and status of those members unable to attend, but who have presented apologies for non attendance;
- (d) all decisions taken and actions approved; and
- (e) the date, time and place of the next meeting;

The minute must also:

- (f) be distributed to all elected, delegated and ex-officio members at least 7 days before the next meeting;
- (g) after approval by the community council, be sent within three months, to the Community Councils' Resource Centre; and
- (h) be made available for inspection by the public.

APPENDIX 1

Register of Interests

The XYZ Community Council

I,....., a member of the XYZ Community Council
give notice

either

I have no interest to declare

or

I have set out below under the appropriate heading interests which either I, or a close family member, has which members of the public might reasonably think could influence my judgement on a relevant matter coming before the Community Council.

1. Employment, office, trade, profession or vocation.

.....

2. Sponsorship.

.....

3. Contracts.

.....

4. Interests in land or property.

.....

5. Membership of Local Groups or Associations.

.....

6. Other - please specify.

.....

Signed

Date



APPENDIX 2

Standard Order of Business Form

The XYZ Community Council

Meeting on 1998 held at

Present:-

Present also (if appropriate):-

1. Chairperson takes the Chair and the Secretary records the sederunt.
2. Declarations of interest.
3. Apologies.
4. Minutes of:-
 - (i) The previous meeting of the Community Council.
 - (ii) Meetings of any Sub Committees.
5. Correspondence.
6. Regular reports:-
 - (i) Treasurers Report.
 - (ii) Secretary's Report.
7. Special Reports.
8. Deputations may be heard.
9. Ordinary items of business.
10. Any other competent business not on the agenda but notice of which was given after the item recording apologies and was agreed by the Community Council to be discussed at this meeting; and
11. Open forum.
12. Arrangements for next meeting.

Application for the Establishment of a New Community Council and Other Requests

9.1 QUALIFICATIONS FOR ELECTION PURPOSES

A qualified elector is an individual aged 16 years or over, who

- (a) appears on the Voters' Roll; or
- (b) supplementary roll; or
- (c) who can provide evidence of age, identity, and residence; within an area, or sub-area, is regarded as qualified for the purposes of : -
 - (i) voting at a community council election;
 - (ii) nominating a candidate for election to a community council; and
 - (iii) accepting nomination for election to a community council;

9.2 ESTABLISHING A NEW COMMUNITY COUNCIL

A qualified elector is entitled to sign a petition, along with nineteen others, seeking the City Council to hold elections for the establishment of a new community council in accordance with Guideline No 1.

9.3 REQUESTING A SPECIAL PUBLIC MEETING

A qualified elector is entitled to sign a petition, along with nineteen others, requiring a community council to hold a special public meeting. The petition shall clearly state the reason for the request, and also the subject to be discussed, with any explanatory information which may be available. This meeting shall be held within 28 days of the petition having been delivered to the chairperson, secretary, or any office-bearer. The community council will arrange for public advertisement of the meeting at least 7 days before the meeting, stating the date, time, place and subject to be discussed at the meeting.

9.4 REQUESTING CONSIDERATION OF AN ISSUE

A qualified elector may request in writing, that a community council consider an issue at one of its regular meetings. The Chairperson and Secretary, or in their absence any two other office-bearers, will consider it, and either grant or refuse the request.

If the request is granted, then the item shall be placed on the agenda of the next meeting, and the elector invited to the meeting to speak during that item only. The elector shall be entitled to be accompanied by an adviser who may also speak during this item. The community council will then consider the issue, and make any appropriate decision which then will be intimated to the elector in writing.

If the request to consider the issue is refused, then the elector shall be notified of the reasons in writing. Details of the request and refusal shall be reported to the next meeting of the community council, and recorded in the minute.



Items for Inclusion in a Community Council's Constitution

10.1 This operational guideline is presented in the form of a model constitution which is suggested for community councils. The community council area may be divided into sub areas.

The constitution is intended as a guide and takes cognisance of the Scheme for the Establishment of Community Councils and the Operational Guidelines.

The constitution provides the framework within which a particular community council will conduct its affairs.

10.2 The constitution should:

- be definite;
- be simple;
- contain the clauses necessary for carrying out the functions of a community council;
- not impose conditions which are impossible to adhere to; and
- be workable

10.3 The main headings to be included in a constitution will be:

- name of community council;
- area represented;
- objectives of the community council;
- composition of membership;
- election arrangements; and
- management and financial arrangements.

MODEL CONSTITUTION

1.0 Name

1.1 The name of the Council shall be Community Council (hereinafter called "the community council").

2.0 Area

2.1 The community council area shall be bound in the north by, in the east by, in the south by, and in the west by A map of the area shall be attached to the constitution.

Guidance Note

It is expected that Elected Members shall be residents from across the whole community council area, to ensure widespread representation of all residents. It is therefore recommended where the total population exceeds 5,000, then sub areas should be formed (at the discretion of the community council).

eg (only if applicable):

Within this area there shall be three sub areas namely

A, B, and C

2.2 Sub area A shall be bound
in the north by,
in the east by,
in the south by,
and in the west by

2.3 Sub area B shall be bound
in the north by,
in the east by,
in the south by,
and in the west by

2.4 Sub area C shall be bound
in the north by,
in the east by,
in the south by,
and in the west by

3.0 Objectives

3.1 The objectives of the community council shall be to promote the well-being of the community resident in (hereinafter called "the area") by ascertaining, co-ordinating and expressing to the local authorities and to public authorities, the views of the community and by taking such action in the interests of the community as appears to be expedient and practicable.

4.0 Composition

4.1 The community council shall consist:

Guidance Note : Elected Member

- not less than 10 voting members plus one member per 1,000 head of population. It is recommended for ease of administration, that the maximum voting membership be twenty;

Delegated Member

- Delegated Members who may be elected to represent organisations (these Delegated Members shall be no more than 1/3 of the total voting members);

Ex-Officio Member

- Members of Parliament and Glasgow City Councillors for any area wholly or partly in the community or ward which they represent.

4.2 If sub-areas are applicable the community areas shall be represented by members of the community council on the basis that (where possible) there are equal numbers of elected members from each sub-area which would comprise the total Elected Membership.

5.0 Election

5.1 Qualification of Electors and Candidates

- (a) Qualification of Voters - Residents of the area/sub-area aged 16 years or over shall be entitled to a vote.
- (b) Qualification of Candidates - Candidature shall be limited to residents of the area/sub-area aged 16 years or over.
- (c) Voters and candidates must be listed on either the City Council's Electoral Register or any community council supplementary roll made for this purpose.

5.2 Frequency

Guidance Note (Optional)

Elections shall be held annually or every two years or every three years (maximum) in **June or October**.

5.3 Methods of Election

Voting shall be by ballot box/postal vote/secret ballot/show of hands at public meetings in each community council area (and/or sub area) and shall be in accordance with Operational Guideline No. 3. The location of elections shall be left to the discretion of community councils but should facilitate voting and administration.

5.4 Vacancies

In the event of vacancies occurring they should be filled within 3 months by formal election procedure at a public meeting called for that purpose. These members shall serve for the remainder of the term of office of the councillor they are replacing and shall have the same voting rights. If vacancies occur within three months from the date of the next ordinary election, they may remain unfilled until such election. However if one third of the full voting membership arises as vacancies Glasgow City Council shall be informed immediately to allow it to take such action as it deems appropriate.

5.5 Delegated Members

Guidance Note

The community council has the option of including members of local constituted community groups as representatives on the community council.

Appointments of Delegated Members by formally constituted community groups for the prescribed number of places (.....) shall be made at a public meeting convened for the purpose of elections and appointments (the total number of delegated members must not exceed one third of the total voting membership). A delegated member need not reside within the area.

A list of selected organisations who may wish to appoint a delegated member shall be

advertised by the community council. Such an advertisement and selection and election process must satisfy the conditions in paragraph 4(b) of the Scheme for the Establishment of community councils. The list of organisations shall be reviewed regularly and shall not exceed 3 years. Where vacancies remain Glasgow City Council shall be informed.

Where the number of groups exceeds the number of vacancies the community council shall invite the nominating groups to present their case at a public meeting.

The organisations approved to appoint a delegated member shall be reviewed regularly.

5.6 Ex Officio Members

As indicated in paragraph 4.1 Members of Parliament and Glasgow City Councillors shall be members of the community council. They shall have no voting rights but their views on matters concerning the community council should be actively sought.

5.7 Period of Office

Community councillors appointed at election shall hold office for the elected number of years. Where a community councillor resigns, he/she shall not be eligible to stand for re-election for a minimum of 1 year.

6.0 Management

6.1 Annual Meeting and Other General Meetings

(a) The Annual Meeting shall be held in June or October (as specified in the constitution) to (i) approve the annual report; (ii) approve the audited accounts; (iii) note the appointment of auditors; and, if necessary, (iv) conduct or report on the election of elected and delegated members.

Each community council shall call at least one public meeting other than the Annual Meeting, at which members of the public have the right to speak and should be given every reasonable opportunity to be heard. Only members of the public who are residents of the area and are qualified to vote may propose or second a motion and then participate in any vote.

Special Public Meetings

(b) Special public meetings shall be called by the community council or by written request by not less than 20 community council electors. The request shall specify the matter to be discussed and this will be the only matter to be discussed at the meeting. The meeting will be held within 28 days of receiving a written request.

Quorum

(c) members shall constitute a quorum for meetings of the community council. The quorum shall be the greater of one third of the full voting membership or a minimum of 5 members. If a quorum cannot be achieved then the meeting must reconvene at a later date.

Regular Meetings

(d) The community council shall meet throughout the year (a minimum of four meetings shall be held, in addition to the two public meetings). The dates of regular meetings during the remainder of the year to be agreed, where practicable, at the first meeting of the community council following election.

Invitation to Officers

(e) The community council may invite to any or all of its meetings, committee meetings and sub-committee meetings officers of Glasgow City Council. These officers shall not be invited to vote at any meeting.

Emergency Meetings

(f) The community council may call an emergency meeting. The Chairperson and at

least one other person must be satisfied that the business is urgent and must state these reasons at the meeting which should be recorded in the minutes. All members of the community council shall be notified of such meetings and a quorum must be present.

Minutes

- (g) Minutes of meetings shall be distributed to all elected, delegated and ex-officio members at least 7 days before the next meeting. Once approved the minute should then be forwarded to the Chief Executive of the City Council via the Community Councils' Resource Centre within three months and be available for inspection by the public.
- (h) Minutes shall record:
- the date, time and place of the meeting;
 - the names and status of those members and other persons attending the meeting;
 - the names and status of those members unable to attend but who have presented apologies for non-attendance;
 - all decisions taken and actions approved;
 - the date, time and place of the next meeting.

6.2 Public Participation in the work of the community council

- (a) The community council may invite a member of the public to address any meeting of the community council or of a committee or sub-committee of it.
- (b) All meetings of the community council/committee/sub-committee shall be open to members of the public. Only in exceptional circumstances the community council/committees/sub-committees may by resolution agree to consider in private any items of business of a private or confidential nature where it would be in the community interest to do so.
- (c) All advertisements intimating the time and place of community council meetings will be published at least 7 days prior to the meeting taking place. An agenda for every meeting shall be circulated to all members at least 3 days before the meeting. The meetings will be widely advertised so that all the electorate has the opportunity to be informed of the meeting. Three or more public places in the community council's area must be identified at which notices will always be placed to advertise meetings. These advertising points will be intimated to the public and notified to the City Council via the Community Councils' Resource Centre.

6.3 Election of Office Bearers

At the first meeting of the community council, the community council shall appoint from elected members including a Chairperson, Vice Chairperson, Secretary and Treasurer and such other officers as it shall from time to time decide.

6.4 Sub-committee and Adviser

The community council shall have the power to appoint such sub-committees of at least three members as it may from time to time decide, and shall determine their terms of reference, powers, duration and composition. The details of the remit and delegated powers shall be recorded in the community council minutes. Anyone claiming to represent the views of a community council must be able to demonstrate that they have this authority and that a sub-committee is acting within the limits of its delegation.

Guidance Note

The community council may appoint an adviser to give advice on specialist, technical or other matters requiring particular expertise. This adviser may only speak on agenda items relating to these matters, they may not vote and their attendance may not be counted towards the quorum of the meeting. They should be separately identified in the minute of the meeting.

6.5 Standing Orders

The community council shall have powers to draw up Standing Orders for the proper conduct of its meetings and of all public meetings which it calls (subject to the approval of the City Council).

6.6 Alterations to Constitution

Alterations to the constitution shall only be made at a public general meeting or at a special general meeting called for that purpose. Notice for any such proposed alterations shall be intimated in the notice of the meeting. Proposed alterations to the constitution must be submitted in writing at least three weeks before the meeting. The Secretary shall make them available for inspection, such alterations must be carried by two thirds of those present who are eligible to vote. Such alterations shall not take effect until approved by Glasgow City Council.

7.0 Finance and Property

- 7.1 (a) Once approved at the Annual Public Meeting an extract of audited accounts should be forwarded to the Community Councils' Resource Centre;
- (b) In addition to any grants obtained from the City Council for administrative and operational purposes, the community council can raise money on its own to develop its activities;
- (c) Any withdrawals from the community council's bank account shall require two out of three authorised signatures on the mandate. For example Chairperson, Secretary and/or Treasurer.

- 7.2 The financial records must also be made available to any officer appointed by the City Council as and when required.

Each community council shall prepare and maintain an inventory of all property, equipment and materials owned by them and make it available to the auditor at the annual audit. The inventory must also be made available to any officer appointed by the City Council as and when required.

(A full description of Financial Management, Grants and Accounting Procedures is given in Operational Guidelines No. 11 and 11a).

8.0 Dissolution

- 8.1 Dissolution of the community council may occur either on a voluntary basis by resolution of the community council or by decision of the City Council. In normal circumstances, such a decision by the City Council will only occur after due consultation with, or suitable notice to, the community council. The City Council will advertise the dissolution of the community council by giving appropriate public notice.
- 8.2 Where the City Council has reasonable grounds to believe that a community council has been abandoned and is no longer operating, then it may immediately dissolve that community council and intimate this action by public notice.
- 8.3 Where the City Council has reasonable grounds to believe that a community council is significantly diverging from the Scheme, then it may immediately dissolve that community council and intimate this action by public notice.
- 8.4 In the event of the dissolution of a community council, there is an obligation on the City Council and the community council to arrange an orderly in-gathering of funds and assets. The general principles and operations are identified in Operational Guideline No. 4. In essence all funds and assets should be utilised for benefit of the community within its area.
- 8.5 Community councils will make provision in their constitution for the process of voluntary dissolution.

9.0 Suspension

9.1 The community council may be suspended by Glasgow City Council if it is not conforming to the Scheme for the Establishment of community councils

10.0 Activities of a Political Nature

10.1 The community council shall be non-party political in all its activities. It shall therefore not be permissible for community councils to engage in activities such as the sponsoring, endorsing or supporting of candidates for parliamentary and local elections. Similarly, political organisations shall not be permitted to appoint a delegated member to the community council.

11.0 Equal Opportunities

11.1 It shall be the duty of the community council to ensure that it operates an equal opportunities policy.

12.0 Disqualification of Members

12.1 The community council may specify the circumstances which will disqualify an individual from holding the position of community councillor (see Operational Guideline No. 6 for reference).

13.0 Constitutional Documents

13.1 This constitution is subject to the provisions of the Scheme for the Establishment of community councils and any operational guidelines issued from time to time by the City Council and should be reflected in the content of this document.

14.0 Adoption of Constitution

14.1 This constitution, after being agreed by the community council, was adopted at a public meeting held on (date) at (place).

Signed: Chairperson

Member

Member

Date:

Signed: (name and designation for Glasgow City Council)

Date: (approved by Glasgow City Council)

Financial Management

Responsibility of Treasurer

- 11.1 It is the responsibility of the treasurer to perform all the financial business of the community council, to keep a record of all income (and the source of such income) and expenditure, and maintain a list of its property (and the source from which the property was derived). The treasurer shall keep or insure the safety and security of all financial documents such as receipts, accounts paid and pending, investment certificates, awards of grant, bank statements and pass books, ledgers, auditor's reports and property lists. The treasurer shall also co-operate with officers of the City Council when requested.
- 11.2 The treasurer will keep the accounts of the community council up-to-date and will make the monthly working accounts, financial books, bank statements and pass books and property lists available for inspection at each meeting of the community council. The treasurer will report on any concerns which he/she may reasonably have about the accounts/property to the first available meeting of the community council.

Annual Accounts

- 11.3 The treasurer shall annually prepare a statement of income and expenditure and a balance sheet to represent a true and accurate record of the community council's business over the previous financial year. In cases where the community council receives a grant from the City Council then the receipt and expenditure of the grant shall be specifically noted in the accounts.
- 11.4 The treasurer shall then arrange for these accounts to be checked and properly vouched for by the auditor appointed in accordance with the Scheme for the establishment of community councils.
- 11.5 Each community council shall appoint annually a suitable independent person to act as auditor and may pay a reasonable fee for their services. The auditor shall not be a member or close relative of a member of the appointing community council. The City Council will specify a total income above which a community council would be required to engage the services of a professionally qualified accountant to undertake the audit.
- 11.6 Once the audited accounts are received by the secretary they shall be distributed to the members of the community council and at the next meeting of the community council they shall be discussed and if appropriate, accepted by the community council. Thereafter a date for the annual meeting shall be set by the community council and the agenda, copies of papers referred to in the agenda and copies of the previous minutes shall be attached to the agenda. Copies of the agenda, papers, minutes and the audited accounts shall be made available to the members of the public at the annual meeting but shall also be made available for inspection at a place specified in the public notice giving intimation of the date and time of the annual meeting. Provided the correct public notification is given it will be possible for community councils to make arrangement to ensure that the annual meeting follows immediately after the meeting of the community council at which the audited accounts are accepted.
- 11.7 The treasurer is required to present the accounts to the Annual Meeting and to reply to any questions which may be raised. If there are no questions or reservations concerning the accounts then a resolution accepting them shall be proposed, seconded and put to a vote of all qualified electors present at the annual meeting.
- 11.8 The community council shall send a copy of the audited accounts to the Community Councils' Resource Centre as soon as possible once they have been approved by the Annual Meeting.
- 11.9 The community council shall specify in its constitution when its financial year starts and ends and the date of the annual meeting to which the treasurer shall present the annual accounts for approval.

Property List

- 11.10 The treasurer is also responsible for maintaining an up-to-date inventory of all community council assets. The list should include all equipment, furnishings and property and should also indicate the normal location where the items are used and stored. The list must be given to the auditor for inclusion in each annual audit and may be made available to any designated officer of the City Council if requested. The list must specify the date of acquisition of the property and must specify the source from whom the property was obtained or the source from whom the funds were received to acquire the property. The property list should also contain annually a note setting out the proper depreciation of the value of each asset contained in the property lists.
- 11.11 The treasurer is also responsible for the safety and security of all the community council's assets unless another person or persons have been specifically appointed by the constitution or by a minuted resolution of the community council.
- 11.12 It is recommended that the treasurer should seek competent advice appropriate to the nature of the assets to ensure their safety and security. The community council is also recommended to consider the matter of insuring its assets and it should be the treasurer's responsibility to provide information to allow a considered decision to be made.
- 11.13 If any person wishes to use any asset of the community council they must make an application in writing to the secretary for this. Any decision to allow any other person to use an asset or property of the community council must be taken at a meeting of the full community council. If the community council agrees to such person making use of any asset or property the Secretary will write to the person confirming the asset which may be used and the period during which it may be used and any other conditions which may be imposed by the community council. The person making the request must acknowledge the Secretary's letter in writing and must acknowledge that they have full responsibility for the asset during the period which they make use of it.

Dissolution

- 11.14 On dissolution the treasurer will co-operate fully with the City Council to ensure the proper application of funds and property on dissolution as specified in Operational Guideline No 4.

Grants and Accounting Procedures

This guideline must be read in association with Guideline No 11 on Financial Management.

Grants - Acceptable Areas of Expenditure

11 a.1 When a community council is established it is awarded an initial payment of £100 as a start-up grant to cover initial administrative expenditure. In addition to this a community council once established will receive an annual administrative grant of £500 plus 1p per head of the population covered by the community council area. Further to this when the community council has been established the administration grant is paid annually, on submission of audited annual accounts covering all income and expenditure of the community council for the previous financial year, minutes and current bank statements. The community council bank account number will be intimated to the City Council. The purpose of the administrative grant is to cover the costs in administering community council business. Examples of such costs are detailed below:

- Insurance
- Auditors' fees
- Production and circulation of minutes, agenda and annual reports
- Stationery
- Photocopying
- Postage
- Travel costs
- Telephone costs
- Accommodation lets
- Affiliation fees
- Subscriptions
- Bank charges
- Advertising
- General Publicity and promotional activities.
- Consultation with the community.

This list is not necessarily exhaustive.

11 a.2 Community councils can apply at any time throughout the year for a discretionary grant provided that they have submitted annual audited accounts covering all income and expenditure and all current bank statements. This grant can be used for:

- the publication of a newsletter;
- the purchase of items of equipment;
- any additional administration costs; and
- running costs of premises;

Where the administration grant has been used up or is committed a discretionary grant can be applied for. As its name suggests this grant is given at the discretion of the City Council.

11 a.3 Community councils can apply to the appropriate area committee once per year for a festival/gala grant provided they have submitted annual audited accounts and current bank statements. The grant monies are to be used to hold the local community festival/gala. Currently area committees have an initial budget of £2000 per annum for such applications, which may be slightly augmented in the summer of each year. Community councils which apply for such grants must keep separate accounts for the festival/gala and those accounts must also be audited, cross referenced to the community council accounts and submitted to the City Council with the community councils annual

audited accounts. The festival/gala account must show all income generated for the gala and all expenditure incurred, not simply that expenditure covered by the City Council grant. The City Council acknowledges that in holding a festival/gala the community council will generate income and incur expenditure in excess of the fund provided by the City Council.

11a.4 Community councils may generate income from sources other than the City Council. This income may also be applied towards expenditure not contemplated by the grants awarded by the City Council. The accounts of the community council will however disclose all income from whatever source it is obtained and will show all expenditure even where it is not simply the expenditure of the City Council grants. Where an application is made to the City Council for grant assistance the whole financial circumstances of the community council will be considered to establish free and committed funds before the application for grant assistance is dealt with by the City Council.

Accounting Procedures - Cash

11a.5 Each community council should have a cash book and all income and expenditure should be recorded in it. The date, description, amount and receipt number should also be recorded.

11a.6 The cash book should be completed in ink. Errors should be scored through and initialled and the correct entry written. Correction fluid should not be used in the cash book.

11a.7 All income should be receipted using a sequentially prenumbered duplicate receipt book.

11a.8 All cash should be held in a lockfast container and stored securely.

11a.9 The community council should nominate three unrelated office bearers to act as signatories to the community council bank accounts. All cheques and withdrawals should require two from three signatures. Any changes to authorised signatories should be approved by the community council.

11a.10 The level of cash held should not be excessive and the community council should ensure that bankings are made when the level of cash held reaches £50.00.

11a.11 Banking should be made intact. All income received should be banked and should not be used to meet expenditure. If funds are required for incurred expenditure they should either be paid by cheque or alternatively cash should be withdrawn from the bank.

11a.12 Once a banking has been made the stamped bank pay-in slip should be retained and checked against the bank statement or bank book to ensure that the income has been credited correctly.

Accounting Procedures - Expenditure

11a.13 All expenditure must be approved in advance by the community council.

11a.14 All expenditure must be accompanied by proof of purchase, either an expenditure voucher or receipted invoice.

11a.15 Receipts should be given a sequential number and filed accordingly.

11a.16 Details of the expenditure should be recorded in the cash book as soon as the expenditure is incurred. Where a receipt is not available, the person making the purchase should complete a form stating the nature of the expenditure. The form should be authorised by a member of the community council committee.

11a.17 A current account will normally be used for day to day transactions with a further deposit and/or saving account, as required, so that interest may be attracted on accumulated funds.

11a.18 The treasurer should await the bank statements and once received should carry out a bank reconciliation to ensure that the bank balance agrees with the balance recorded in



the cash book. All bank statements should be retained.

- 11a.19 Where petty cash is issued all petty cash vouchers should be signed by the person requesting the money and countersigned by the treasurer or other authorised signatory - this must not be the person who is requesting the expenditure. All receipts for items of expenditure should be retained and attached to the appropriate petty cash voucher.
- 11a.20 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. Where travel is by car a detailed record of distances travelled should be submitted and reimbursement should be made at the City Council's infrequent car users allowance rate of 12.5 pence per mile. Claimants should sign and date any claims for travel allowance and submit this to the treasurer.
- 11a.21 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.

Accounting Procedures - Annual Accounts

- 11a.22 Full detailed guidance on annual accounts is dealt with in Operational Guideline No 11 on Financial Management Para. 11.3 to 11.9. The following paragraphs merely reinforce income and expenditure matters dealt with earlier in this guideline.
- 11a.23 An annual income and expenditure statement of all accounts including all income and expenditure must be prepared at the end of the community councils' financial year and must be audited by a person unconnected with the fund.
- 11a.24 The audited accounts must be presented to the community council and in course a copy passed to the Community Councils' Resource Centre.
- 11a.25 An example of an annual income and expenditure statement is detailed in the attached appendix. All of the information within the account is fictitious and used only as a guide on how to prepare accounts.

Accounting Procedures - Inventory

- 11a.26 The community council must maintain an inventory detailing all the assets of the community council. The inventory should be updated on an ongoing basis for additions and deletions. Again reference must be made to Operational Guideline No 11 on Financial Management para. 11.10 to 11.13, which deals with the property lists.

APPENDIX 11A

Income and Expenditure Account for Year Ended

INCOME	£'s	£'s
Balance carried forward from previous year	100.00	
Bank interest	18.10	
Admin grant	526.24	
Discretionary grant	200.00	
Festival grant	110.00	
Income from festival	45.10	
Other self generated income (fund raising)	200.00	1199.44
EXPENDITURE		
Insurance	40.00	
Accommodation costs	150.00	
Auditors fees	40.00	
Subscriptions	30.00	
Affiliation fees	20.00	
Travel expenses	30.44	
Publication of minutes and agenda	70.00	
Publication of annual report	120.00	
Publication of two newsletters	200.00	
Stationery	90.00	
Photocopying	70.00	
Postage costs	40.00	
Other self generated expenditure (fundraising)	50.00	950.44
		Balance Surplus 249.00

REPRESENTED BY:	£'s	£'s
Cash in Bank	215.00	
Cash in Hand	34.00	249.00

Assets
Property and Inventory

Details of auditor/accountant/qualified person

Name

Designation

Qualification

Address and phone no

The above statement has been compiled from the available books and records and explanations.

Signed: Date:

Chairperson's signature: Date:

Treasurer's signature: Date:

Procedures for Dealing with Disputes

Disputes within the Community Council

- 12.1 The Chairperson is responsible for conducting the business at meetings of the community council and to whom due deference must always be paid. The Chairperson will decide who will speak, in what order, and for how long, if these basic rules are not adhered to, then the business is unlikely to be conducted in an orderly and coherent manner.
- 12.2 In all cases of disagreement, the Chairperson must remain impartial and ensure that each party has an equal and adequate opportunity to present their case. The Chairperson should maintain his/her impartiality by not speaking in the debate, but restrict involvement to conducting the progress of the meeting and to assisting each party to summarise its argument. This summarising of the opposing arguments at the end of the debate, should hopefully clarify the issues and assist the Minute Secretary to prepare a concise minute. Where agreement cannot be achieved by debate, then the matter should be put to a vote and a majority verdict should prevail. All members of the community council are then bound by this decision.
- 12.3 In the case where the Chairperson is in dispute, then the Vice-chairperson or other suitable member should conduct that item of business to ensure the impartiality of the chair.

Disputes between the Community Council and Other Persons

- 12.4 A person may request, in writing, that a community council considers an issue at one of its regular meetings. The chairperson and the secretary, or in their absence any two other office bearers, will consider it, and either grant or refuse the request.
- 12.5 If the request is granted, then the items shall be placed on the agenda of the next meeting and the person invited to the meeting to speak to that item only. The person shall be entitled to be accompanied by an adviser who may also speak to the item. The community council will then consider the issue, and make any appropriate decision which then will be intimated to the person in writing.
- 12.6 If the request to consider the issue is refused, then the person shall be notified of the reasons in writing. Details of the request and refusal shall be reported to the next meeting of the community council and recorded in the minute. The person should also be advised, that should they feel aggrieved by this decision, they may refer this matter to the Chief Executive.

Disputes with City Council Departments

Interim Arrangement

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

If the difficulties persist, then the community council should approach the line manager of the officer concerned.

If agreement still cannot be achieved, then the community council should seek the assistance of the director of the department concerned.

Proposed Procedure - Council Wide Comments and Complaints Procedure

- 12.7 In pursuing Best Value for delivery of services the City Council is seeking to develop a Council Wide Comments and Complaints Procedure. The procedure will encourage comments and suggestions and encourage requests for service explanations and information, and suggestions for service improvement, and comments on Council policy. The procedure will also introduce timescales within which complaints, suggestions, or comments should be dealt with.

Legal Liability of Community Councillors

Legal Status

- 13.1 Community councils are created by statute, Part IV of the Local Government (Scotland) Act 1973 but their legal status is not defined anywhere in the legislation. The description “statutory” in itself does not create any rights. Legal status is important because that is what creates the uniqueness of an organisation and makes it a separate legal entity from the members of the organisation.
- 13.2 The particular importance of the legal status of an organisation can be seen in relation to (i) whether it is the organisation itself which can sue or be sued in its own name without these rights and liabilities affecting the members of the organisation or (ii) whether the members of the organisation themselves have to sue on behalf of and, more importantly, can themselves be sued personally on behalf of the organisation.
- 13.3 In the first case only the organisation’s own assets become liable, in the second case the member’s own personal assets become liable. A limited company is an example of the first case and the share holders’ liability is limited to their share holding. A voluntary association ie a club of some kind is an example of the second where either the office bearers or all club members can be liable personally.
- 13.4 Because the legislation does not give community councils some form of protected corporate status like a limited company or a local authority, the community council falls firmly into the second category. The community council is the collection of the individual elected community councillors and any liability incurred by the community council can fall personally, collectively or individually on the community councillors.

Objectives of the Community Council and Related Funding

- 13.5 The statutory foundation for community councils broadly is to enable them to express to the local authority local views on matters within the functions of the local authority, and other public bodies (for example the Police Board, Fire Board, Water Board, or Passenger Transport Authority) and to take action in the interests of that community as may appear necessary. The City Council funds community councils on the basis that they will represent such views to the City Council and consequently feed back to the local area matters arising within the City Council. Any other action which the community council might wish to take is regarded as being incidental to this principal purpose of communication flow. The current funding regime whereby the City Council provides an administration grant to cover a community council’s costs of photocopying, postage, room hire etc is intended to cover any reasonable liability which a community council might meet in carrying out its statutory duties. Consequently given the purposes of community councils and the funding provided by the City Council this should not lead community councillors into circumstances where they accept other responsibilities which would lead them into potential financial liability in excess of the grant provided by the City Council.

Potential Development of Activities and Liability

- 13.6 At a future date it is possible that community councils might wish to develop themselves further. On a more general basis they might wish to undertake projects or carry out development work or become employers of staff. In such cases the community council could then be moving quite quickly beyond the financial framework guaranteed by the City Council and perhaps moving also outwith the statutory powers of community councils and may put the community councillors themselves in areas of personal liability. If developments of this nature are to be contemplated then before proceeding on any such

action the community councillors should discuss with the City Council what changes, if any, should be made to the legal status of the community council or what additional organisation should be formed by the community council to undertake the project or to employ the staff and so give the community councillors protection from personal liability.

13.7 These are matters of real importance. The statutory objectives of community councils are set out in the Act 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".

13.8 This objective is not only permissive, that is, it states what community councils can do, it is also restrictive because it limits what community councils can do in terms of the objective. Strictly speaking if community councils wish to develop in ways which involve them in acting outwith their statutory remit, then they would not be acting under the umbrella of being a community council. Quite what they would be acting as would depend on the circumstances, but in all probability would be as an unincorporated voluntary association. But as the personal liability of a community councillor is almost identical whether the activity falls within or just outside the statutory objective, the difference has more to do with whether a community council could continue to call itself a community council, and should be recognised as a community council, if it strayed into activities outwith the statutory objectives.

13.9 What then are the statutory objectives? The 1973 Act does not help us very much. The objective may seem clear enough initially but the opening words "In addition to any other purpose which a community council may pursue" and the closing words "and to take such action in the interests of that community as appears to it to be expedient and practicable" open up the possibility of wider ranging action than might first appear. The section in the middle probably gives the greatest guidance with the phrases at the beginning and the end having to be taken in this spirit and having to be seen as in some way only extending the main thrust at the centre of the objective. But the powers are not entirely clear cut and the legislation elsewhere is not particularly helpful.

13.10 The central core of the objectives, that is representing views, is clear enough. However in relation to the phrases which may seem to extend this central purpose we would be straying into grey areas if the community councils were to embark on projects or activities which could not be seen to have their foundation in the central precept of representing views. If the community council was to stray outwith the objectives it would be acting outwith the powers and the individual community councillors would be personally liable for that activity. But whether community councillors find themselves having incurred personal financial liability will arise from the nature of the activity which the community council embarks on and the prudence with which the activity is approached, regardless of whether the community council operates within its objective or strays outside. However in respect of adhering to the statutory objectives, in matters of real difficulty, controversy or where a significant change of purpose is proposed, the community council should take the advice of the Chief Executive before embarking on the activity to clarify the legal circumstances.

Community Councils & Urban Programme Projects

13.11 A limited number of community councils in the city have already developed in an extended manner by sponsoring urban programme projects. In these circumstances, where the urban programme funding is only one element in a total funding package for a project, and elements of uncertainty begin to emerge, concerning meeting the ongoing expenditure for the project, then the community council has usually formed a limited



company. The company would then carry all the liability, which would safeguard all other interests, in particular it removes personal liability from the community councillors.

- 13.12 The margins within which community councils can operate with financial safety and without the potential for incurring personal financial liability for the community councillors are quite narrow. Any arrangements which a community council enters into for provision of accommodation and/or administrative services and/or publication of newsletters or whatever, should be met from within the grant which they know is available from the City Council. Making financial commitments in excess of the available grant will place the community councillors in potential liability. If community councils wish to develop in other ways they must be absolutely certain that guaranteed funding is in place to meet all their expenditure.
- 13.13 If community councils wish to move into areas of development where guaranteed funding cannot be quite so certain then they must discuss with the City Council the creation of some other mechanism, for example, a private limited company. This would not remove liability but would restrict it to the assets of the company and would remove it from the individual members ie the community councillors. If community councils feel that a course of action (with or without financial uncertainty) may move them outwith the statutory objectives they should discuss this with the City Council to clarify any consequences of the proposed activity.

Working as a Group

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

Liaison with Public Bodies and Voluntary Organisations

14.1 The statutory purpose of Community Councils is set out in Section 51 (2) of the Local Government (Scotland) Act 1973 in the following terms:-

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 of 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.

14.2 In the main community councils relate directly to the Local Authority for its area. However it is important to emphasise that the statutory purpose goes much wider and enables community councils to represent local views to public bodies in relation to matters for which those authorities are responsible.

14.3 It is therefore important for community councils to recognise this wider ability and to include in the matters which they discuss and seek to improve those issues which fall within the scope of other public bodies for example Health Boards, Police Boards, Water Boards etc, and to contact those bodies direct to pursue the Community Councils' legitimate interests.

14.4 Details of those public bodies and other voluntary organisations are undernoted, but this list is not intended to be exhaustive:-

Public Bodies and Voluntary Organisations

Contact No.

Glasgow City Council Main Switchboard	0141 287 2000
Emergency Repairs	0800 595 595
Emergency Environmental Services	0800 595 595
Emergency Homeless	0800 838 532
Roads and Lighting Faults	0800 373 635
Social Work Out of Hours	0800 811 505

Fire Brigade Headquarters:	01698 300 999
Police Headquarters	0141 532 2000
Crimestoppers	0800 555 111

Water:	North	0141 567 5800
	South	0141 638 1067
Sewer:	North	0141 567 5800
	South	0141 638 1067
Gas Emergency (24 hrs)		0800 111 999
Scottish Power:	Emergency (24 hrs)	0845 2727 999
	Residential	0845 2727 111

Strathclyde Passenger Transport	0141 332 6811
ScotRail	0345 484950
Railtrack	0345 484950
Glasgow Airport	0141 887 1111

Public Bodies and Voluntary Organisations

Association of Scottish Community Councils (ASCC)
Childline
Citizens Advice Scotland
Convention of Scottish Local Authorities (COSLA)
Glasgow Council for the Voluntary Sector (GCVS)
Greater Glasgow Health Board
Glasgow Alliance
Glasgow University
Strathclyde University
Samaritans
Scottish Council of Voluntary Organisations (SCVO)
Scottish Office
Shelter

Contact No.

0131 225 4033
0800 1111
0131 667 0156
0131 474 9200
0141 332 2444
0141 201 4444
0141 572 1300
0141 339 8855
0141 552 4400
0345 909 090
0141 332 6256
0131 556 8400
0800 446 441

