



# **Moray Scheme for the Establishment of Community Councils 2013-2017**

**Incorporating  
Community Council members Code of Conduct,  
Model Constitution, Standing Orders & Area  
Descriptions**

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## **Foreword**

Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, which produced the current system of unitary Local Authorities, made provision for the continuation of Community Councils.

The Local Authority is required to publish a community council scheme for their area outlining various arrangements for Community Councils including elections, meetings, boundaries, and finance.

This scheme will come into operation from October 2013 and will be subject to review periodically prior to each new term.

## **1 Statutory Purpose of Community Councils**

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

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

## **2 Establishment of Community Councils under the Scheme**

Upon the Local Authority’s revocation of its existing Scheme for the Establishment of Community Councils and decision to make a new Scheme, it shall publish a Public Notice, which shall invite the public to make suggestions as to the areas and composition of the Community Councils.

Thereafter, a consultation process on the proposed scheme shall be undertaken prior to its formal adoption by the Local Authority. The scheme may be amended at any time following approval by the Local Authority.

If for any reason there is no established Community Council in an area following elections, twenty local electors whom must be on the electoral register for the area concerned may make a request by way of petition to The Moray Council for an election to be held. Any members elected in this way will only hold office for a period of up to four years from the date of nomination/election until the first Monday in October of the appropriate year, in accordance with election procedures.

*See also to Section 7*

## **3 Community Council Name**

The name for each Community Council will be as shown in Appendix 1. These can be modified with the prior approval of The Moray Council.

## **4 Role and Responsibilities of Community Councils**

The general purpose of Community Councils is to act as a voice for their local area;

- This will involve them articulating the views and concerns of local people in their area on a wide range of issues of public concern and make representations to their Local Authority, other public sector bodies and private agencies on matters within their sphere of interest;
- It is essential that these views be demonstrated to be accurately representative of the community. Accordingly, the Community Council will have in place, in consultation with the Local Authority, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sectors of the community.

### **4.1 Role**

- Community Councils have a statutory right to be consulted on planning and licensing applications;
- Community Councils may be consulted on any other matters by the Local Authority and other public sector and private agencies;
- Community Councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objectives of their Constitution and the terms of the Council's Scheme for the Establishment of Community Councils;
- There should be mutual engagement in the establishment of working relationships with the Local Authority, the Community Planning Partnership and Local Area Forum and other agencies;
- In carrying out their activities Community Councils must at all times adhere to the law, the terms of the Council's Scheme for Community Councils and the Community Council members' Code of Conduct;
- Each Community Council is required to adopt a Constitution, based upon the Model Constitution (Appendix 2), together with Standing Orders (Appendix 3), to encourage and maintain consistency for all Community Councils and to facilitate their proceedings being properly structured and regulated, to ensure that items of business relevant to the community are properly debated and decisions reached in a democratic manner. The Community Council's constitution is required to be approved by the Local Authority.

## 4.2 Responsibilities

Community Councils have a duty under statute to represent the views of their local community. It is vital therefore, that they reflect the broad spectrum of opinion and interests of all sections of the community.

In order to fulfil their responsibilities and in being effective and representative, Community Councils shall: -

- Inform the community of the work and decisions of the Community Council by posting agendas and minutes of meetings in public places, such as libraries and notice boards and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of Community Council members.
- Agendas and draft minutes of Community Councils' meetings must be presented to the Local Authority within 30 days from the date of that meeting and be circulated to Community Council members, relevant elected members and other interested parties.
- Seek to broaden both representation and expertise by promoting the associate membership of the Community Council of persons for specific projects/issues.
- Make particular efforts to encourage young people and other under-represented groups to attend/participate in Community Council meetings and to ensure equality of opportunity in the way the Community Council carries out its functions.
- Maintain proper financial records and present financial reports at Community Council meetings.
- Inform the Local Authority's nominated contact of any change in membership (resignations, associate membership, etc.) and circumstances, as soon as is practicable.

## 5 Community Council Areas

The Moray Council has produced a list of named Community Council areas and maps that define their boundaries. The list and area description of Community Councils areas can be found in Appendix 1 to the Scheme.

Maps of all the Moray Community Council boundaries are available at [www.moray.gov.uk/communitycouncils](http://www.moray.gov.uk/communitycouncils).

## 6 Membership of Community Councils

There shall be minimum and maximum membership numbers of elected Community Council members in a Community Council as stated in Appendix 1.

- The minimum age to stand for election as a Community Council member is 18 years old.
- Qualification for membership is by residency within the specific Community Council area.
- Community Council members and candidates for Community Council membership must be named on the current electoral register for the Community Council area in which they reside either as an elector.
- There shall be provision made for non-voting Associate Membership for purposes as defined by each Community Council (section 9.1).
- Elected members of the Local Authority and members of the Scottish, United Kingdom and European Parliaments are entitled to become *ex-officio* members of Community Councils, with no voting rights (Section 9.2).
- There shall be provision made for Youth Representation for persons aged 16 – 18 (section 9.3)

## 7 Scheme of Electoral Arrangements

- The Returning Officer or his nominated representative(s) will be responsible for the administration of the elections under this scheme.
- The election will be conducted in accordance with the procedures laid within the Scheme of Electoral Arrangements for Community Councils.
- The Electoral Scheme will be subject to periodic review as required by the Returning Officer.

## **8 Filling of casual places/vacancies between elections**

### **8.1 Casual Vacancies**

Casual vacancies on a Community Council may arise in the following circumstances:

- When an elected Community Council member submits her/his resignation;
- When an elected Community Council member ceases to be resident or registered on the electoral register within that Community Council area;
- When an elected Community Council member has her/his membership disqualified or revoked (Section 12).

### **8.2 Co-option to Community Councils**

- Filling a vacancy can be undertaken through co-option. However, should circumstances arise that lead to the number of elected Community Council members falling below HALF of the maximum permitted membership, The Moray Council shall be informed and may undertake arrangements for an interim election, where appropriate, to be held.
- Co-opted members must be eligible for membership of the Community Council as detailed in Section 6.
- Notice of any proposed co-option is required to be intimated to all of the Community Council's members at least 14 days prior to the meeting when the matter will be decided.
- Co-opted members must be accepted onto the Community Council by a two-thirds majority of the elected Community Council members present and voting.
- Such co-opted members shall have full voting rights, with the exception of voting on co-option of members, and will serve until the next round of elections or at such time they become a full member.
- After 12 months from the date of their co-option to the Community Council the co-opted member will become a full member with the same rights and this full member will no longer be counted within the ratio of co-opted members.
- The number of co-opted members may not exceed a THIRD of the current elected Community Council membership. Should the ratio of co-opted to elected Community Council members become greater than one third, due to any circumstances, The Moray Council shall be informed and may determine arrangements thereafter for an interim election, where appropriate.

## **9 Additional Membership**

### **9.1 Associate Members**

Associate members may be appointed by a Community Council where there may be a need for individuals with particular skills or knowledge. These individuals do not have voting rights.

Associate members may also include representation from other constituted local voluntary organisations.

Associate Members serving one Community Council cannot be elected or co-opted members of any other Community Council unless they are representing constituted local voluntary organisations.

Associate members may serve for a fixed period as determined by the Community Council or for the term of office of the Community Council that has appointed them.

### **9.2 Ex-Officio Members**

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

Ex-officio members shall have no voting rights and will not be entitled to be elected or nominated representatives of a Community Council.

### **9.3 Youth Representation and Membership**

Each Community Council may nominate young people to represent the interests of young people in their area. The minimum age for youth members is 16 years old.

Youth members must reside in the Community Council area. They can be nominated at any time after the Community Council office bearers have been elected at the first meeting of the Community Council after election.

Youth members will be considered full members with speaking and full voting rights. Youth members will not be taken into account in the calculations for the minimum number of elected members.

## **10 Term of Office**

All members of the Community Council hold office for a period of four years from the date of election until the date of the next scheduled election, in accordance with the election procedures outlined in Section 7.

Those members appointed by co-option will hold office for a period of up to four years from the date of co-option until the date of the next scheduled election of the appropriate year, as outlined above.

The term of office will cease on the occasion that the Community Council is dissolved by the Local Authority (Section 17).

The Returning Officer reserves the right to vary the Community Council term, should other electoral timetables conflict with the Community Council election for that term, to prevent disruption to the Community Council election process.

## **11 Equalities & Inclusion**

Recognition should be given to the contribution of everyone participating in the work of the Community Council.

Community Councils must comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.

Consideration must also be given by the Community Council as to their meeting place. This must be in terms of accessibility and facilities for disabled users, as well as location, as far as practicable, to ensure that the needs of all members, visiting public or other additional members are met.

*See also Code of Conduct (Appendix 4)*

## 12 Disqualification of Nomination or Membership

- Membership of a Community Council is invalidated should a Community Council member's residency qualification within that Community Council area cease to exist; the Community Council may apply to The Moray Council to terminate their membership.
- Membership of a Community Council is invalidated should a Community Council member's name no longer appear on the electoral register for that area.
- If any member of a Community Council fails to attend any Community Council meeting, with or without submitting apologies, throughout a period of 6 months, the Community Council may terminate their membership on application to The Moray Council.
- At the discretion of individual Community Councils, a period of leave of absence for a Community Council member may be granted at any meeting of the Community Council.
- In terms of nomination, a person shall be disqualified from being nominated as a candidate for election as, or if already elected from being a Community Council member if;
  - He/she is a person whose estate has been sequestrated by a court in Scotland or who has been adjudged bankrupt elsewhere than in Scotland; or
  - He/She has, within five years before the day of nomination, or election or since his election, as the case may be, been convicted in the United Kingdom, the Channel Islands, the Isle of 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 three months without the option of a fine; or
  - Where a person is disqualified, under the subsection above, by reason of his/her estate having been sequestrated, the disqualification shall cease if and when-
    - the sequestration of his/her estate is recalled or reduced; or
    - he/she is discharged under or by virtue of the Bankruptcy (Scotland) Act 1985.
  - Where a person is disqualified, under the first subsection above, by reason of having been adjudged bankrupt then-
    - if the bankruptcy is annulled on the ground that he/she ought not to have been adjudged bankrupt or on the grounds that his/her debts

have been paid in full, the disqualification shall cease on the date of the annulment;

- if he/she is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his/her part, the disqualification shall cease on the date of his/her discharge; and
- if he/she is discharged without such a certificate, his/her disqualification shall cease on the expiration of five years from the date of his/her discharge

## **13 Meetings**

### **13.1 First Meeting**

The first (inaugural) meeting of a Community Council following a Community Council election, will be called by the Local Authority's nominated representative, and will take place within 1 calendar month of the date of the election, or as soon as practicable thereafter.

The business of the inaugural meeting may include consideration of a Constitution and Standing Orders, appointment of office bearers and any outstanding business matters from the outgoing Community Council.

Adoption of a constitution by the Community Council and approval by the Local Authority should follow within 4 months of the Inaugural meeting.

### **13.2 Meeting Frequency**

The frequency of meetings will be determined by each Community Council, subject to a *minimum of one Annual General Meeting, if held* and 6 ordinary meetings being held each year. The Annual General Meeting shall be held in a month of each year to be determined by the Community Council.

### **13.3 Quorum**

The quorum for Community Council meetings shall be one third of the current voting membership of a Community Council, or 3 voting members, whichever is the greater. (*see also section 5*)

### **13.4 Content of Business**

An outline for the content of business that Community Councils should adhere to when holding ordinary, special *and Annual General Meetings* is contained within the Standing Orders (Appendix 3).

## **14 Liaison with the Local Authority**

In order to facilitate the effective functioning of Community Councils, the Local Authority has identified an official to liaise with Community Councils. Unless there is a specific agreement or an issue is a specific departmental issue, all correspondence between the Local Authority and the Community Councils should preferably, in the first instance, be directed through that official.

- Community Councils shall provide copies of their agendas and minutes, within prescribed timescales (section 4.2), to the Local Authority via the named official.
- Community Councils may make representations to the Local Authority and other public and private agencies, on matters for which it is responsible and which it considers to be of local interest.
- Representations should be made, in the case of statutory objections, such as planning or licensing matters, to the appropriate departmental Local Authority official.
- On issues where a Local Authority department is consulting with Community Councils, representations should be made to the appropriate departmental officer.

## **15 Resourcing a Community Council**

### **15.1 Financial Year**

The financial year of each Community Council shall be provided for in the Constitution of each Community Council and shall be from October to September in each succeeding year to allow for the proper submission of audited statement of accounts to the Community Council's *Annual General Meeting (if held)* or ordinary meeting as per the Community Council Constitution.

### **15.2 Annual Accounts**

- The annual accounts of each Community Council shall be independently examined by at least one examiner appointed by the Community Council, who is not a member of that Community Council.
- A copy of the independently examined statement of accounts/balance sheet shall be forwarded immediately thereafter the statement is approved at the Community Council's *Annual General Meeting (if held)* or ordinary meeting, to a named official of the Local Authority.

- The named official may, at their discretion and in consultation with the Council's Head of Financial Services, require the Community Council to produce such records, vouchers and account books, as may be required.

### **15.3 Annual Administrative Grant**

- The Local Authority may provide an administrative grant to Community Councils to assist with the operating costs of the Community Council.
- The grant shall be fixed at a rate reviewed and advised annually by the Local Authority and may be disbursed in one or more instalments during the course of the financial year.
- The administration grant is available to cover the costs in administering community council business which includes:
  - Auditors' fees
  - Production and circulation of minutes, agenda and annual reports or other Community Council documentation
  - Stationery
  - Photocopying
  - Postage
  - Travel costs
  - Telephone costs
  - Accommodation lets
  - Affiliation fees
  - Subscriptions
  - Bank charges
  - Advertising
  - General publicity, promotional and ceremonial activities
  - Consultation with the community
  - Honorariums' to the Community Council secretary or treasurer
- The Local Authority shall determine any additional support services and resourcing as necessary.

### **15.4 Other Financial Resources**

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

## **16 Liability of Community Council Members**

A scheme of insurance liability cover has been arranged. The insurance liability cover becomes effective upon the Local Authority advising the insurance underwriter of the establishment of a Community Council.

## **17 Dissolution of a Community Council**

The terms for dissolution of a Community Council are contained within the Model Constitution (Appendix 2).

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

## Appendix 1 – Community Council names, membership numbers, sub-divisions and area description

Each Community Council below is listed with the Minimum (Min) and Maximum (Max) Membership numbers to form. The sub-divisions are also listed with reference to the number of members from each sub-area and the associated electoral register reference. The first part of an individual's elector number will be made up of the Polling district reference noted below.

CC No.	Community Council Name	Membership			Sub- Divisions & No. of Members	Electoral Register & Polling District reference <sup>1</sup>	Locality/ Settlements / Rural Communities in Area
		Min	Max	Quorum			
1	Elgin	9	18	6	1A Elgin City North (9)	MM0505 (pt) Hamilton Gardens only MM0507 (pt) Riverside Caravan Park only MM0601 Elgin- Bishopmill West MM0602 Elgin – Bishopmill East MM0603 Elgin – Cathedral MM0604 Elgin – Pinefield	Hamilton Gardens, Riverside Caravan Park, Bishopmill, Lesmurdie, Cathedral, Moycroft, Chanonry, Tyock, Waulkmill, East End, Pinefield, Ashgrove
					1B Elgin City South (9)	MM0701 Elgin – Central West MM0702 New Elgin West MM0703 New Elgin East	Borough Briggs, Bruceland, Old Mills, Lady Hill, West End, The Wards, Greenwards, New Elgin, Linkwood, Glassgreen, Hardhillock, Dunkinty, Palmerscross
2	Forres	6	12	4	No sub-divisions (12)	MM0803 (pt) (incl. Invererne, Seafield, Netherton) MM0804 Forres South & Sanquhar MM0805 Forres East MM0806 Forres Central MM0807 Forres West MM0808 (pt) (excl. Altyre, Blairs)	Forres, Mundole, Mannachie, Sanquhar, Knockomie, Chapelton, Balnageith, Invererne, Waterford, Seafield, Hillhead, Netherton, Lochyhill, Springfield, Forres Enterprise Park

<sup>1</sup> (Pt) = Part Polling District split across Community Council areas –contact the Elections Office 01343 563334 for more information if unsure which area a person is eligible for.

CC No.	Community Council Name	Membership			Sub- Divisions & No. of Members	Electoral Register & Polling District reference <sup>1</sup>	Locality/ Settlements / Rural Communities in Area
		Min	Max	Quorum			
3	Findhorn & Kinloss	5	10	3	3A Findhorn (5)	MM0801 Findhorn	Findhorn
					3B Kinloss (5)	MM0803 (pt) Kinloss, Grange, Newton of Struthers	Kinloss, Mill of Grange, Milton of Grange, East Grange, Cassieford, Kinloss Barracks, Seapark, Woodside, Newton of Struthers, Cassieford, Hatton, Damhead, Muirhead, Milton Brodie, Miltonhall
4	Dyke Landward	4	7	3	No sub-divisions	MM0802 Dyke-Darnaway MM0810 Edinkillie (pt) (incl. Dounduff only)	Dyke, Conicavel, Culbin, Moy, Brodie, Kintessack, Earlsmill, Whitemire, Dounduff
5	Finderne	4	7	3	No sub-divisions	MM0808 (pt) Altyre, Blairs only MM0809 Rafford MM0810 Edinkillie (excl. Dounduff)	Rafford, Easter Lawrenceton, Dunphail, Edinkillie, Logie, Cathay, Altyre, Burgie, Blairs, Blervie, Brodieshill, Relugas, Glenerner, Braemoray
6	Burghead & Cummington	5	10	3	6A Burghead (8)	MM0501 Burghead & Cummington	Burghead & St Aethans
					6B Cummington (2)		Cummington
7	Hopeman & Covesea	4	7	3	No Sub-divisions	MM0502 Hopeman	Hopeman, Covesea, Williamston, Plewlands, Burnside, Greenbrae, Weddershill
8	Lossiemouth	5	10	3	No Sub-divisions	MM0503 Lossiemouth West & Drainie MM0504 Lossiemouth East	Lossiemouth, RAF Lossiemouth
9	Heldon	9	18	6	9A Dallas (2)	MM0101 Dallas	Dallas, Kellas
					9B Fogwatt & Birnie (4)	MM0406 Fogwatt	Fogwatt, Birkenhill, Birnie (excl. Glenlatterach), Thomshill, Clackmarras, Longmorn (excl. Gedloch)

CC No.	Community Council Name	Membership			Sub- Divisions & No. of Members	Electoral Register & Polling District reference <sup>1</sup>	Locality/ Settlements / Rural Communities in Area
		Min	Max	Quorum			
					9C Duffus (2)	MM0505(pt) Duffus excl. Hamilton Gardens	Duffus, Gordonstoun, Roseisle (north), Bank of Roseisle, Waterton
					9D Alves & Roseisle (4)	MM0506 Alves & Roseisle	Alves, College of Roseisle (south), Colfield, Cloves, Newton (pt),
					9E Miltonduff & Spynie (6)	MM0507 (pt) Miltonduff (excl. Riverside Caravan Park)	Miltonduff, Spynie, Newton (pt), Quarrywood, <b>Findrassie</b> , Pluscarden, Barnhill, Kintrae, Mosstowie, Pittendreich,
10	Innes	5	10	3	10A Lhanbryde & Pitgaveny (4)	MM0401 Lhanbryde & Pitgaveny	Darkland, Lhanbryde, Pitgaveny (incl. Spynie Palace and surrounds), Troves Teindland, Barmuckity, Threapland
					10B Urquhart (2)	MM0402 Urquhart	Urquhart, Lochhills, Muir of Lochs, Cappieshill, Innes,
					10C Garmouth & Kingston (2)	MM0403 Garmouth & Kingston	Garmouth, Kingston, Corskie
					10D Mosstodloch (2)	MM0407 Mosstodloch	Mosstodloch, Dipple, Stynie, Orbliston
11	Buckie & District	6	12	4	11A Buckie (8)	BM0301 (pt) Buckpool BM0302 Buckie West BM0303 Buckie East BM0304 (pt) Millbank, Mains of Buckie BM0305 (pt) Portessie	Buckie, Buckpool, Portessie, Maltings and Industrial Estate
					11B Rathven & Arradoul (4)	BM0202 (pt) excl. Bloomfield, Denside & Smithston BM0301 (pt) Auchentae, Arradoul BM0304 (pt) Cleanhill, Rannachy, Hilton BM0305 (pt) Rathven BM0306 (pt) Strathlene Cottages area MM0409 (pt) (Westerton Cottages only)	Rathven, Arradoul, Drybridge, Loanhead, Letterfourie, Addie Hill, Hilton, Auchentae, Inchgower, Whitegate, Whitefield, Westerton Cottages, Strathlene Cottages area

CC No.	Community Council Name	Membership			Sub- Divisions & No. of Members	Electoral Register & Polling District reference <sup>1</sup>	Locality/ Settlements / Rural Communities in Area
		Min	Max	Quorum			
12	Findochty & District	4	7	3	No sub-divisions	BM0202(pt) (Carnoch Cottage, Bloomfield, Smithstown only) MM0306 (pt) Findochty excl. area at Strathlene Court, Moor of Scotstown	Findochty, Moor of Scotstown, Moor of Findochty, Westertown, Bauds, Law Hillock
13	Portknockie	5	10	3	No sub-divisions	BM0201 Portknockie BM0202(pt) (Denside only)	Portknockie, Hillhead, Cruats, Denside
14	Cullen & Deskford	4	9	3	14A Cullen (6)	BM0202 (pt) excl. Bloomfield, Smithston & Denside & Carnoch Cottage	Cullen, Lintmill, Bin of Cullen
					14B Deskford (3)	BM0203 Deskford	Kirktown of Deskford, Berryhillock, Skeith
15	Lennox	7	14	4	15A Spey Bay (2)	MM0404 Spey Bay	Auchenhalrig, Bogmoor, Nether Dallachy, Upper Dallachy, Spey Bay, Tugnet,
					15B Portgordon (4)	MM0405 Portgordon	Portgordon, Enzie(pt), Gollachy
					15C Fochabers (6)	MM0408 Fochabers	Fochabers, Bellie, Ordiquish, Forgie
					15D Clochan & Enzie (2)	MM0409 (pt) Clochan (excl. Westerton Cottages)	Clochan, Enzie(pt), Broadley, Tynet
16	Keith	5	10	3	No sub-divisions	BM0206 Fife-Keith BM0207 Keith	Fife Keith, Keith, The Den, Corsairtly Farm
17	Strathisla	5	10	3	No sub-divisions	MM0103 Boharm MM0107 Drummuir MM0204 Newmill BM0205 Grange MM0208 Keith Rural South BM0209 Rothiemay	Aultmore, Berryhillock, Craighead, Drummuir, Botriphnie, Boharm, Rothiemay, Newmill, Farmtown, Grange, Glentauchers, Knock, Maggieknockater, Mulben Towiemore

CC No.	Community Council Name	Membership			Sub- Divisions & No. of Members	Electoral Register & Polling District reference <sup>1</sup>	Locality/ Settlements / Rural Communities in Area
		Min	Max	Quorum			
18	Speyside	5	10	3	No sub-divisions	MM0102 Rothes MM0104 Knockando MM0105 Archiestown MM0106 Craigellachie MM0108 Aberlour	Rothes, Knockando, Archiestown, Aberlour, Craigellachie, Carron Cardhu (Cardow), Dailuaine, Edinville, Glenlatterach (incl. Gedloch), Ruthrie, Tomnabent, Woodside of Ballintomb, Inchberry
19	Dufftown & District	5	10	3	No sub-divisions	MM0109 Dufftown & Cabrach	Dufftown, Cabrach, Auchindoun, Glen Rinnes, Glenfiddich
20	Glenlivet	4	7	3	No sub-divisions	MM0108 Ballindalloch MM0110 Glenlivet MM0111 Tomintoul	Auchbreck, Cragganmore, Glenlivet, Glenfarclas, Bridgend of Glenlivet, Tomintoul, Ballindalloch, Inveravon, Kirkmichael, Auchnarrow, (Knockandhu), Lettoch

## Appendix 2 – Model Constitution

<b>CONSTITUTION FOR COMMUNITY COUNCILS</b>
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### 1. Name

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

### 2. Area of the Community Council

The area of the COMMUNITY COUNCIL shall be as shown on the map associated with, and described in, the Local Authority’s **Scheme for the Establishment of Community Councils**.

### 3. Objectives

The objectives of the COMMUNITY COUNCIL shall be:

- (a) to ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people;
- (b) to express the views of the community to the Local Authority for the area to public authorities and other organisations;
- (c) to take such action in the interests of the community as appears to it to be desirable and practicable;
- (d) to promote the well-being of the community and to foster community spirit;
- (e) to be a means whereby the people of the area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.

### 4. Role and Responsibilities

In the discharge of their functions and the conduct of their business, the COMMUNITY COUNCIL and its membership shall have regard to their role and responsibilities as set out in Section 4 of the Scheme for the Establishment of Community Councils, approved by the Local Authority and in the COMMUNITY COUNCIL MEMBERS’ Code of Conduct (Appendix 4 of the Scheme).

## **5. Membership**

The COMMUNITY COUNCIL'S membership is as governed by Section 6 of the Scheme for the Establishment of Community Councils and as determined from time to time by the Local Authority.

## **6. Method of Election**

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

## **7. Casual Vacancies on the Community Council**

Where a vacancy arises which does not result in the number of COMMUNITY COUNCIL MEMBERS falling below the minimum number as specified in the Scheme for the Establishment of Community Councils (Appendix 1), and at least 6 months has passed since the last election, the COMMUNITY COUNCIL may, if it considers it to be desirable, agree to:-

- (a) the filling of a vacancy by co-option with voting rights to a maximum of one quarter of the total membership of the community council as governed by Section 0 of the Scheme for the Establishment of Community Councils.
- (b) the vacancy to be left unfilled until local public interest is expressed or until the next set of regular elections.

Where a vacancy arises which does result in the number of COMMUNITY COUNCIL MEMBERS falling below the minimum number as specified in Scheme for the Establishment of Community Councils (Appendix 1), the Local Authority shall be informed.

## **8. Voting Rights of Members of the Community Council**

The right to vote at any meeting of the COMMUNITY COUNCIL or any committee thereof, shall be held by all COMMUNITY COUNCIL MEMBERS and Youth members whether elected or co-opted, but not by Associate Members appointed for specific issues on a temporary basis, or *ex-officio* members.

With the exception of circumstances which may arise under the Scheme for the Establishment of Community Councils: Section 8.2– Community Council Elections [Co-option]; and Standing Orders: Clause 16 – Alterations to the Constitution and its Clause 17 – Dissolution, all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those eligible to vote and present and voting.

In the event of a vote of the Community Council members that results in a majority not being achieved, the chairperson shall have a casting vote.

## **9. Election of Office-Bearers**

- (a) At the first meeting of the COMMUNITY COUNCIL after elections in the year the COMMUNITY COUNCIL shall appoint a Chair, Secretary, Treasurer and other such office-bearers as it shall from time to time decide.
- (b) All office-bearers shall be elected for four years.
- (c) Without the express approval of the Local Authority, no one member shall hold more than one of the following offices at any one time: Chairperson, Secretary or Treasurer.

## **10. Committees of the Community Council**

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

## **11. Meetings of the Community Council**

- (a) The quorum for COMMUNITY COUNCIL meetings shall be at least one third of the current eligible voting membership, or 3 eligible voting members, whichever is the greater.
- (b) Once in each year the COMMUNITY COUNCIL may convene an *Annual General Meeting* for the purpose of receiving and considering the Chairperson's annual report on the COMMUNITY COUNCIL, the submission and approval of the independently examined annual statement of accounts and the appointment of office bearers.
- (c) *Excluding the Annual General Meeting, if held*, the COMMUNITY COUNCIL shall meet not less than 6 times throughout the year.
- (d) Dates, times and venues of regular meetings of the COMMUNITY COUNCIL shall be fixed at the first meeting of the COMMUNITY COUNCIL following ordinary elections and thereafter *at its Annual General Meeting or once a year*. Special meetings shall require at least 10 days public notice, either called by the Chairperson, or on the request of not less than one-half of the total number of COMMUNITY COUNCIL members. An officer of the Local Authority has the discretion to call a meeting of the COMMUNITY COUNCIL.

- (e) Copies of all minutes of meetings of the COMMUNITY COUNCIL and of committees thereof shall be approved at the next prescribed meeting of the COMMUNITY COUNCIL, but the draft minute shall be circulated within 30 days from the date of that meeting, to COMMUNITY COUNCIL members, other appropriate parties and the Local Authority's Liaison Officer for COMMUNITY COUNCILS.
- (f) The COMMUNITY COUNCIL shall abide by its Standing Orders for the proper conduct of its meetings.
- (g) The COMMUNITY COUNCIL has a duty to be responsive to the community it represents. Should the COMMUNITY COUNCIL receive a written request (petition), signed by at least 20 persons resident within the COMMUNITY COUNCIL area to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the COMMUNITY COUNCIL.
- (h) The COMMUNITY COUNCIL can meet to discuss items of business in private but only where it considers it appropriate to do so. The decision to meet in private will be agreed in advance and decided by a majority vote. Notice of such a meeting will be given to the public in the usual way. However, the Notice will record that the meeting, or a part thereof, shall be held in private.

## **12. Public Participation in the Work of the Community Council**

- (a) All meetings of the COMMUNITY COUNCIL and its committees (subject to 11(h), above) shall be open to members of the public. Proper provision is to be made for the accommodation of members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the COMMUNITY COUNCIL, under the guidance of the Chairperson.
- (b) Notices calling meetings of the COMMUNITY COUNCIL and its committees shall be posted prominently within the COMMUNITY COUNCIL area for a minimum period of 10 days before the date of any such meeting, and, where possible, be advertised by other suitable means.

### **13. Information to the Local Authority**

The Local Authority's Liaison Officer shall be sent an annual calendar of the COMMUNITY COUNCIL'S prescribed meeting dates, times and venues, which should be agreed at a COMMUNITY COUNCIL'S *Annual General Meeting*/ordinary meeting, minutes of all meetings, the annual report, the annual financial statement and any other such suitable information, as may from time to time be agreed between the COMMUNITY COUNCIL and the Local Authority.

When special meetings of the COMMUNITY COUNCIL are to be held, the Local Authority's Liaison Officer should be advised of the date, time venue and subject(s) of debate of such meetings, at least 10 days in advance of the meeting date.

### **14. Control of Finance**

- (a) All monies raised by or on behalf of the COMMUNITY COUNCIL or provided by the Local Authority and other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by the Local Authority in the annual Administrative Grant for administrative and other approved purposes shall be used only as prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the COMMUNITY COUNCIL), or in the absence of such terms, for the furtherance of the objectives of the COMMUNITY COUNCIL.
- (b) The treasurer shall undertake to keep proper accounts of the finances of the COMMUNITY COUNCIL.
- (c) Any two of three authorised signatories, who would normally be office-bearers of the COMMUNITY COUNCIL, may sign cheques on behalf of the COMMUNITY COUNCIL. Authorised signatories may not be co-habitees.
- (d) A statement of accounts for the last financial year, independently examined by a least one examiner appointed by the COMMUNITY COUNCIL, whom are not members of this COMMUNITY COUNCIL, shall be submitted *to an Annual General Meeting (if held)*/Ordinary meeting of the COMMUNITY COUNCIL and shall be available for inspection at a convenient location.
- (e) The financial year of the COMMUNITY COUNCIL shall be from October to September the succeeding year. Examined accounts as received and approved by the COMMUNITY COUNCIL at an ordinary meeting *or at the Annual General Meeting (if held)* shall be submitted to the Local Authority following approval at a meeting of the COMMUNITY COUNCIL.

## **15. Title to Property**

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

## **16. Alterations to the Constitution**

Any proposal by the COMMUNITY COUNCIL to alter this Constitution must be first considered by a meeting of the COMMUNITY COUNCIL and the terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued not less than ten days prior to the meeting. Any proposed alterations may not prejudice the terms and objectives contained within the Scheme for the Establishment of Community Councils.

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

## **17. Dissolution**

If the COMMUNITY COUNCIL by a two-thirds majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to dissolve.

It is a requirement that not less than ten days prior to the date of such meeting a public notice be given by means of notification in the local newspaper.

If the resolution is supported by a majority of those persons present and qualified to vote and is approved by the Local Authority, the COMMUNITY COUNCIL shall be deemed to be dissolved and all assets remaining, subject to the approval of the Local Authority, after the satisfaction of any proper debts or liabilities shall transfer to the Local Authority who shall hold the same in trust for a future COMMUNITY COUNCIL representing that area.

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

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

### 18. Approval and Adoption of the Constitution

This Constitution was adopted by

\_\_\_\_\_

COMMUNITY COUNCIL, on \_\_\_\_\_ (DATE)

Signed \_\_\_\_\_ Chairman

PRINT \_\_\_\_\_

Date \_\_\_\_\_

Signed \_\_\_\_\_ Member

PRINT \_\_\_\_\_

Date \_\_\_\_\_

Signed \_\_\_\_\_ Member

PRINT \_\_\_\_\_

Date \_\_\_\_\_

And was approved on behalf of The Moray Council on \_\_\_\_\_  
date

Signed \_\_\_\_\_

PRINT \_\_\_\_\_

Position \_\_\_\_\_

Date \_\_\_\_\_

## Appendix 3 – Standing Orders

### 1. Meetings (all held in public)

- (a) Ordinary meetings of the COMMUNITY COUNCIL shall be held in the months of .....  
Special Meetings may be called at any time on the instructions of the Chairperson of the community council on the request of not less than one-half of the total number of COMMUNITY COUNCIL MEMBERS; or the receipt of a common written request (petition), signed by at least 20 persons, resident within the COMMUNITY COUNCIL area, to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting. A special meeting shall be held within 14 days of the receipt of the request made to the Secretary of the COMMUNITY COUNCIL.
- (b) The notice of ordinary meeting *or Annual General Meetings (if held)* of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided to each COMMUNITY COUNCIL MEMBER and the Local Authority's Liaison Officer by the Secretary of the COMMUNITY COUNCIL, at least 10 days before the date fixed for the meeting.

### 2. Minutes

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL shall be drafted within 30 days from the date of that meeting, distributed in accordance with Section 4 of the Scheme of Community Councils and shall, following their approval, be signed at the next meeting of the COMMUNITY COUNCIL by the person presiding thereat and retained for future reference.

### 3. Quorum

A quorum shall be one-third of the current voting membership of the COMMUNITY COUNCIL, or 3 voting members, whichever is the greater.

### 4. Order of Business

#### (i) Ordinary Meeting

The order of business at every ordinary meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.
- (b) The minutes of the last meeting of the COMMUNITY COUNCIL shall be submitted for approval.
- (d) Any other item of business, which the Chairperson has directed, should be considered.

- (e) Any other competent business, including Treasurers report.
- (f) Questions from the floor.
- (h) Chairperson to declare date of next meeting and close meeting.

(ii) Annual General Meeting (if held)

*It will not be uncommon that the COMMUNITY COUNCIL has arranged for an ordinary meeting of the COMMUNITY COUNCIL to begin at the close of the Annual General Meeting, to enable any outstanding reporting on business matters to be heard; and for COMMUNITY COUNCIL MEMBERS and members of the public to have an opportunity to bring matters to the attention of the COMMUNITY COUNCIL, possibly for inclusion on a future agenda.*

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

- (a) *Recording of membership present and apologies received.*
- (b) *The minutes of the last Annual General Meeting of the COMMUNITY COUNCIL shall be submitted for adoption.*
- (c) *Chairperson's Annual Report (and questions from the floor).*
- (d) *Secretary's Annual Report (and questions from the floor).*
- (e) *Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).*
- (f) *Chairperson to declare date of next Annual General Meeting and close meeting.*

(iii) Extraordinary General Meeting

*The order of business at every extraordinary general meeting of the COMMUNITY COUNCIL shall be as follows: -*

- (a) *Recording of membership present and apologies received.*
- (b) *Business for debate, as described in the calling notice for the special meeting.*
- (c) *Chairperson to close meeting.*

## 5. Order of Debate

- (a) The Chairperson shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and her/his ruling shall be final and shall not be open to discussion. In particular, the Chairperson shall determine the order, relevancy and competency of all questions from the public in attendance at meetings of the COMMUNITY COUNCIL raised at 4, above. The Chairperson in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the community and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chairperson shall have the power, in the event of disorder arising at any meeting, to adjourn the COMMUNITY COUNCIL meeting to a time he/she may then, or afterwards, fix.
- (b) Every motion or amendment shall be moved and seconded.
- (c) After a mover of a motion has been called on by the Chairperson to reply, no other members shall speak to the question.
- (d) A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- (e) A motion or amendment which is contrary to a previous decision of the COMMUNITY COUNCIL shall not be competent within six months of that decision.
- (f) Any one or more of the Standing Orders may be suspended at any meeting, but so far only as regards the business at such a meeting, provided that two-thirds of the Community Council members present and entitled to vote agree, that there has been a *relevant and material change* of circumstances, which shall be specified in the motion proposing the suspension.

## 6. Voting

- (a) Voting shall be taken by a show of hands of those present and eligible to vote, with the exception that, the election of office bearers may be held by secret ballot.
- (b) The Chairperson of a meeting of the COMMUNITY COUNCIL shall have a casting vote as well as a deliberative vote.

## **7. Alteration of Standing Orders**

A proposal to alter these Standing Orders may be proposed to the Local Authority to be altered or added to at any time by the COMMUNITY COUNCIL, provided that notice of motion to that effect is given at the meeting of the COMMUNITY COUNCIL previous to that at which the motion is discussed. The Local Authority shall have final discretion on any proposed change.

## **8. Committees**

The COMMUNITY COUNCIL may appoint such committees as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers.

## **9. Suspension of Standing Orders**

These Standing Orders shall not be suspended except at a meeting at which three-quarters of the total number of COMMUNITY COUNCIL MEMBERS are present and then only if the mover states the object of his motion and if two-thirds of the COMMUNITY COUNCIL MEMBERS present consent to such suspension.

## Appendix 4 – Code of Conduct

### CODE OF CONDUCT FOR COMMUNITY COUNCIL MEMBERS

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

Community Council members, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct.

The Code of Conduct and its principles, shall apply to all Community Council members and those representing the Community Council. These principles are as follows:

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

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#### Service to the Community

- As a Community Council member you have a duty to act in the interests of the local community, which you have been elected or nominated to represent.
- You also have a duty to act in accordance with the remit of The Moray Council Scheme for the Establishment of Community Councils, as set out by The Moray Council under the terms of the Local Government (Scotland) Act 1973.
- You have a duty to establish and reflect, through the Community Council, the views of the community as a whole, on any issue, irrespective of personal opinion.
- You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general

community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

### **Selflessness**

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

### **Integrity**

- You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community.
- If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.
- You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

### **Objectivity**

- In all your decisions and opinions as a Community Council member, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.
- You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.
- You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

### **Accountability and Stewardship**

- You are accountable for the decisions and actions that you take on behalf of your community through the Community Council.

- You must ensure that the Community Council uses its resources prudently and in accordance with the law.
- Community Council members will individually and collectively ensure that the business of the Community Council is conducted according to the Scheme for the Establishment of Community Councils and this Code of Conduct.
- Community Council members will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Scheme for the Establishment of Community Councils.
- They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.
- Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.
- Any breach of the Scheme for the Establishment of Community Councils as set out by The Moray Council under the terms of the Local Government (Scotland) Act 1973 may be reported to The Moray Council to determine what action, if necessary, should be taken.

### **Openness**

- You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate.
- You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.
- If you have dealings with the Media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

### **Honesty**

- You have a duty to act honestly.
- You also have an obligation to work within the law at all times.
- You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

## **Leadership**

- You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area.
- You must also promote social inclusion and challenge discrimination in any form.
- You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves.
- Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

## **Respect**

- You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, or member of staff within any organisation or body regardless of their position that you may have dealings with in your capacity as a Community Council member.
- Recognition should be given to the contribution of everyone participating in the work of the Community Council.
- You must comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.
- You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.