

Proposed Amendments to

Scheme for the Establishment of Community Councils

in Dumfries and Galloway

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1.0 Introduction

Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, which produced the current system of unitary local authorities, made provision for the continuation of community councils. Under the legislation, every local community in Scotland is entitled to petition their local authority to establish a community council in their area.

Although they are elected bodies, Community Councils do not have the status of local authorities nor are they part of local authorities. Community Councils are a separate legal entity with their own rights and responsibilities created and sustained by the said Acts of 1973 and 1994 to be run in accordance with the approved Scheme.

The Amended 2018 Scheme for Community Councils in Dumfries and Galloway and its associated schedules ("The Scheme") was agreed by The Dumfries and Galloway Council (DGC) on -----
----- 2018. Its purpose is to enable the establishment of community councils within Dumfries and Galloway and to provide a common minimum basic framework governing their creation and operation. All Community Councils within Dumfries and Galloway are required to adhere to the terms of The Scheme.

The Scheme is viewed by DGC as the Community Council's Constitution to encourage and maintain consistency for all community councils. This sets out the basic role and purpose of community councils and the basic rules that are expected to be complied with. Unless a Community Council has chosen to adopt a separate constitution in terms of Section 3, The Scheme will operate as the Community Council's Constitution.

1.1 STATUTORY PURPOSES

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".

2.0 The Role and Responsibilities of Community Councils

- 2.1 **Role:** Community Councils are inclusive organisations whose general purpose is to act as a voice for their local area. This will involve Community Councils articulating the views and concerns of local people in their area on a wide range of issues of public concern and make representations to DGC, other public sector bodies and private agencies on matters within their sphere of interest. This may also include the administration of Windfarm community benefit funds.

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.

- 2.1.1 **Consultation by public sector and other agencies:** Community Councils have a statutory right to be consulted on planning applications, and may from time to time be consulted on issues such as licensing, matters affecting the local community and interface with the Scottish Government.

- 2.1.2 **Other Activities:** Community Councils may carry out any other activities that are in the general interests of the communities they represent, provided these activities fall within the objects of The Scheme.

- 2.1.3 **Partnership working:** Community Councils should aim to establish effective working relationships with DGC, Public Authorities and wider organisations.

- 2.2 **Community Engagement:** The Community Council will encourage and facilitate consultation with the community to listen to and consider the views of local people. Depending on the issue, methods may include social media, public meetings, community surveys, comment or suggestion boxes, as well as clear agendas and minutes. The National Standards for Community Engagement are available to guide Community Councils on engaging with their community

<http://www.scdc.org.uk/what/national-standards/>

- 2.3 The boundaries of each Community Council area, the number of registered voters and the maximum permitted number of members are detailed in **Schedule 1** of the Scheme. It is not possible to enclose copies of all of the boundary maps within **Schedule 1**. Each Community Council has a copy of its own boundary map and copies of boundary maps are available free of charge from local libraries.

- 2.3 **Governance:** In carrying out their activities, all members of the Community Council, regardless of whether they are elected, co-opted, associate or ex-officio must at all times adhere to the law, the terms of The Scheme, which for the avoidance of doubt includes the Code of Conduct and Independent Complaints Procedure in the schedules attached. All members of the Community Council sign a declaration to adhere to the terms of the Scheme and Code of Conduct on the nomination form for Election and Co-option.
- 2.4 **Data Protection:** A Community Council handles personal information therefore it is required to register for data protection with the Information Commissioner's Office (ICO) details available at <https://ico.org.uk/>, unless the Community Council can evidence to the ICO that it is exempt by holding no electronic or paper records. Notification is a legal requirement. Further guidance on this can be obtained at <https://ico.org.uk/for-organisations/register/>
- 2.5 **Representation:** Community Councils have a duty under statute to represent the views of their local community. It is vital that they reflect the broad spectrum of opinion and interests of all sections of the community. In order to fulfil their responsibilities as effective representatives, Community Councils shall:
- 2.5.1 **Inform the community** of the work and decisions of the Community Council (CC) by posting agendas and draft minutes/approved minutes of their meetings in public places within the boundary and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of Community Council members aged over 18;
- 2.5.2 **Circulate agendas, draft and approved minutes of meetings** to Community Councillors, Ward Elected Members and DGC CommunityCouncil@dumgal.gov.uk and to any other interested parties for example Public Authorities and those who request them for a specific purpose. These should be displayed for at least 7 days before an ordinary meeting and at least 14 days before an Annual General Meeting (AGM) or Extraordinary General Meeting (EGM). Minutes should be marked draft or approved. Preferred communication methods include email and Social Media, where possible.
- 2.5.3 **Seek to broaden representation and expertise** by promoting Associate Membership of the Community Council to persons for specific projects/issues.
- 2.5.4 **Comply with The Equality Act 2010** which requires us to look at equality in terms of nine headings, known as the "protected characteristics": age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. The Community Council should therefore make a particular effort to engage with these groups. Everyone has the right to be treated fairly and have access to the work of the Community Council.

2.5.5 Within one calendar month of the first meeting after every election, the Community Council shall provide DGC with:

- A written return including the full contact details for all of the Community Council's members and Examiner(s) of Accounts
- Confirmation of registration with the ICO
- A copy of The Scheme (which can be a scanned copy sent by email) signed by all members of the Community Council, regardless of their classification, as evidence of their willingness to adhere to its terms. The original signed Scheme should be retained by the Community Council for them to update with changes in membership (see below)
- When contact details change in relation to any of its members, the Community Council should advise DGC in writing (which includes email) within one calendar month of the change. The signed copy of the Scheme retained by them should be altered accordingly by the deletion or addition of the signature of the relevant member and submitted to CommunityCouncil@dumgal.gov.uk

3.0 Constitution and Standing Orders

- 3.1 **Constitution:** The Scheme shall operate as a Constitution for each Community Council and members shall evidence their willingness to adhere to it by signing it at section 17. Community Councils shall ensure the Scheme is signed and updated in accordance with section 2.5.5
- 3.2 **Standing Orders:** Community Councils may adopt Standing Orders to be considered at an AGM or EGM. The Standing Orders do not require to be approved by DGC; however they must comply with the Scheme.

4.0 Community Council Boundaries

- 4.1 The boundaries of each Community Council area, the number of registered voters and the maximum permitted number of members are detailed in **Schedule 1** of the Scheme. It is not possible to enclose copies of all of the boundary maps within **Schedule 1**. Each Community Council has a copy of its own boundary map and copies of boundary maps are available free of charge from local libraries.

5.0 Membership of Community Councils

5.1 **Membership:** Schedule 1 contains the *minimum and maximum permitted number of members with voting rights* and any request to change these numbers must be made during a Review of the Scheme.

For example:

| | |
|---|----|
| Maximum number of Community Councillors | 17 |
| Minimum number of Community Councillors Elected | 9 |
| Co-opted Community Councillors – With Voting rights | 8 |

To be confirmed during Phase 3

Maximum permitted membership may be made up as follows:

- Candidates elected at an ordinary election (contested or uncontested) up to the maximum permitted membership.
- Candidates co-opted in accordance with the process in 5.3 and 5.4 of the Scheme, subject to the co-opted members not exceeding HALF of the maximum permitted membership. In this case if there are fractions when calculating membership numbers, these should be rounded down. For example, if the maximum permitted membership is 7, the maximum number of co-opted members would be 3.

5.2 **Composition of Community Council.** A Community Council may be composed of the following types of members, all of whom shall adhere to the Scheme of Establishment:

| Role | Process for Membership | Able to propose and vote | Non –Voting/ proposing member | Eligible to be appointed as an Office Bearer | Adherence to “The Scheme” |
|------------------------------|------------------------|--------------------------|-------------------------------|--|---------------------------|
| Elected Community Councillor | 5.3 | ✓ | | ✓ | ✓ |
| Co-Opted Member | 5.5.1 | ✓ | | ✓ | ✓ |
| Associate Member | 5.5.2 | | ✓ | | ✓ |
| Ex-Officio Member | 5.4.2 | | ✓ | | ✓ |

5.3 Qualification for voting members: Voting members require to be:

- 16 years or over
- reside within the Community Council area
- be named on the current register of electors for that area on the date of being proposed for membership.

Should a Community Councillor cease to be named on the current register of electors for that area, they must cease to be a Community Councillor. However, if a Community Councillor leaves the Community Council area but retains their main residence within the Community Council area and continues to be named on the current register of electors for that area and no other area in the UK, they may continue to be a Community Councillor provided they can fulfil the requirements for meeting attendance.

5.4 Qualification for non-voting members. These individuals have no entitlement to vote, propose or second motions or amendments, count towards meeting a quorum, hold office or be a representative or delegate on its behalf.

5.4.1 Associate Members do not need to meet the requirements of 5.3 and may be appointed where there is a need for individuals with particular skills or knowledge.

5.4.2 Ex-officio members (no voting rights): The Elected Members of DGC whose area of representation includes any part of the Community Council area shall be ex-officio members.

5.5 Process of appointment

5.5.1 Co-opted members (with voting rights): Co-opted members must be elected at an ordinary meeting, AGM or EGM by a two-thirds majority of the current elected membership of the Community Council. Public notice of any proposed co-option must be on the published agenda for the meeting at which the matter will be decided and the agenda and draft/approved minutes must include the name and address of each proposed co-opted Community Councillor and their proposer.

The number of co-opted members with voting rights will be determined by the number of vacancies in relation to the maximum permitted membership of the Community Council, and must not exceed one third Co-option numbers of the maximum permitted membership of the Community Council. In this case if there are fractions when calculating membership numbers, these should be rounded down. For example, if the maximum permitted number is 7 then the maximum number of co-opted members is 3. Co-opted members are required to sign the form agreeing to follow the Scheme and the code of conduct.

5.5.2 **Associate members** must be elected at an ordinary meeting, AGM or EGM by a two-thirds majority of the current voting membership of the Community Council. The agenda and draft/approved minute must include the name and address of each proposed Associate Member and their proposer. Name and address of under 16 year olds will not be published.

5.6 Term of Office

5.6.1 **Elected Member** The term of office for elected members of the Community Council shall extend from one ordinary election to the next ordinary election and all Community Councillors shall demit office at 8am on the day after the date set for ordinary elections. Provided they still meet the qualifications for election, Community Councillors shall be entitled to be nominated for re-election.

5.6.2 **Co-opted members** shall serve from their election until the next round of elections i.e. all co-opted members with voting rights shall demit office at 8am on the day after the election (ordinary or by-election) but may be nominated for election.

5.6.3 **Associate members (no voting rights):** Associate members may serve for a fixed period (determined by the Community Council) or for the term of office of the Community Council that has appointed them. Associate members may also include representatives from other constituted local voluntary organisations. There is a requirement to adhere to the Scheme of Establishment at all times. Agreement to adhere to the Scheme which shall be minuted at the time of appointment.

5.6.4 **Ex-Officio Members** will serve while they serve as an elected member

6.0 Office Bearers

6.1 At the first meeting of the Community Council after an election or by-election and thereafter at the AGM the Community Council shall appoint a Chair, Vice Chair, Secretary, Treasurer and other such office bearers as it shall decide. The Chair and Vice Chair shall not be eligible to be elected for other positions on the Community Council. For the avoidance of doubt Office Bearers shall be Elected or Co-opted members. In the fulfilment of an Office Bearers role it shall be possible to appoint an Associate Member to support the below stated functions and activities of the Office Bearer.

6.2 **Election of office bearers and term of office:** Office bearers should be elected or appointed at a meeting as described in paragraph 6.1 and it is suggested as good practice that no one person may hold the same office bearer position for more than three consecutive years. To propose a nominee for office bearer, the proposer must be present at the meeting. If there is more than one nominee for the same position and a vote is required, proxy voting is not permitted. When a person

nominated for office is unable to attend the meeting, the nominee must confirm in writing to the Returning Officer (or Community Councillor Secretary if there is one in place) at least one working day before the meeting that they are willing to accept office if elected. Office bearers shall serve until the next AGM and shall be eligible for re-election at the next AGM, provided they still meet the eligibility requirements for election at sections 5 and 6.2 of the Scheme. If an office bearer position becomes vacant the Community Council may appoint, at its next ordinary meeting, a temporary replacement to serve until the next AGM.

- 6.3 The **Chair** shall be responsible for ensuring that Community Council meetings are properly conducted in accordance with the Scheme, and for submitting a written report on the Community Council's activities for the previous year to the AGM.
- 6.4 The **Secretary** shall be responsible for arranging all Community Council meetings (except the first meeting of the Community Council following an election or by-election); undertake or co-ordinate all correspondence arising from the work of the Community Council, prepare the minutes of meetings and make a true record of proceedings for distribution to members, DGC and others; and undertake other duties required by the Community Council from time to time.
- 6.5 The **Treasurer** shall be responsible for correctly maintaining the Community Council's financial records and asset register' which shall disclose the Community Council's financial position. The Treasurer shall take all reasonable steps to ensure that monies due are received and creditors paid; present financial information to the Community Council when required and prepare annually a statement of accounts.
- 6.6 **Removal of office bearers:** In the event that an office bearer is not performing their duties to the Community Council's satisfaction, a motion to remove that office bearer from their post can be considered at a Community Council meeting, provided that notice has been given on the agenda for the meeting and the office bearer concerned has been given reasonable opportunity of being heard. The motion shall require a proposer and seconder and if the motion is passed by a two-thirds majority of the current voting membership of the Community Council then the office bearer will be deemed to have been removed from that post and the post will require to be filled as the next item of business at that meeting.

7.0 Community Council Ordinary Elections and By-Elections criteria about changing decisions

7.1 **Voters' Eligibility:** Voters in a Community Council election must be 16 years or over, reside within the boundary of the Community Council area and be named on the current register of electors for that area.

7.2 Elections

7.2.1 Community Council elections are organised by the Returning Officer and administered by DGC or the Community Council with consent from DGC. **Ordinary** elections shall be held on a 4-yearly basis, on the fourth Thursday in October. **By-elections** may be held between ordinary elections when the membership falls below **HALF** of the maximum permitted membership in **Schedule 1**. In the circumstance of re-establishment, the first election shall be held on a date to be determined by DGC and subsequent elections will be held at the next ordinary election in the 4-year cycle.

7.2.2 DGC may re-schedule the election date/cycle of Community Council elections where there are extraordinary circumstances which affect people's ability to become involved in the democratic process e.g. if there is an ongoing resilience issue such as foot and mouth disease.

7.3 **Returning officer (RO):** In consultation with the Community Council, DGC will appoint a Returning Officer who must not be a current member of the Community Council nor intend to stand for election to the Community Council

7.4 **Nominations:** Nomination forms must be signed by one proposer who must be on the current register of electors for the Community Council area and nominations should be submitted with the candidate's consent. Each person may propose only one person and if they propose more than one person the RO will use the earlier dated form and if the forms are dated the same then the first paper read by the RO shall be eligible. Self-nomination is not permitted. All names on nomination forms must match those on the current register of electors; nicknames or abbreviations should not be used.

7.5 A nomination form must be completed and submitted by the date and time set down in the election timetable. Late nomination forms will not be accepted. Candidates for election may withdraw their nomination but only if they advise their withdrawal in writing to the RO by the closing date for nominations.

7.6 Election Process

- 7.6.1 **Uncontested election:** If the number of validly nominated candidates is equal to or more than HALF, but does not exceed the maximum permitted membership in Schedule 1, the said candidates will be declared to be elected and no ballot shall be held. This is an uncontested election and Community Council members will be considered to have been elected unopposed. Community Councillors shall assume office at 8am on the day following the date set for the ordinary or by-election.
- 7.6.2 **Contested election:** Should the number of candidates validly nominated be more than the maximum permitted membership in Schedule 1, arrangements for a Poll shall be made. At the Poll, each voter shall be entitled to vote for candidates up to the number of vacancies on the Community Council. The Notice of Poll should be publicly displayed for 14 days immediately prior to the election and contain the names and addresses of candidates and proposers, their electoral registration numbers and the venue, dates and times fixed for the conduct of the Poll and the count. Community Councillors shall assume office at 8am on the day following the date of the ordinary or by-election.
- 7.6.3 **Voting at elections:** Voting shall be by ballot box at a designated polling place. Ballot papers shall be laid out in a style approved by DGC. There will be no provision for postal or proxy voting. The hours of polling, shall be determined for each Community Council area by the Returning Officer, in consultation with the Community Council.
- 7.6.4 **Non-establishment or dissolution:** Should the number of candidates validly nominated be below the Minimum number, no Community Council will be established at that time. However, DGC may decide to issue a second call for nominations for a Community Council area failing to meet the minimum membership requirement, within 3 months of the closing date for the registration of the first call for nominations. Valid nominations from the first call for nominations will remain valid for the second call for nominations. If after this second call the number of valid nominations is still below half of the maximum permitted membership, no further applications for the establishment of a CC for that area shall be considered until the expiry of a period of 12 months after the date of Public Notice of that second invitation.
- 7.7 **Method of Election:** Elections will be based on whole Community Council areas and Community Councils shall be elected on a simple majority basis. In the event of more than one candidate receiving the same number of votes for the last available seat(s) on the Community Council, the successful candidate(s) shall be decided by lot. As soon as possible after any election, the Returning Officer shall give public notice of the names and addresses of members elected

7.8 Vacancies between elections:

Vacancies on a Community Council may arise in circumstances such as:

- When an elected Community Council member submits their written resignation to the Secretary of the Community Council or to another office bearer in the absence of a Secretary;
- When an elected Community Council member ceases to be resident within that Community Council area
- When an elected Community Council member is no longer on the current register of electors; When an elected Community Council member has their membership disqualified (section 8 of the Scheme);
- On the death of an elected Community Council member.

7.9 Filling of vacancies between elections:

7.9.1 Should a vacancy or vacancies arise between elections, the vacancy can be filled either through the process of co-option or by-election, whichever is appropriate.

7.9.2 Co-option:

- Where a vacancy arises which does NOT result in the number of Community Councillors falling below the minimum number as specified in Section 5 of the Scheme the Community Council may, after considering local circumstances, agree to:
- A meeting being held in order that the vacancy or vacancies can be filled, on the basis that such vacancies would be publicised, nominations invited and a by-election held where the number of candidates exceeded the number of places available; OR
- The vacancy being left unfilled until local public interest is expressed or until the next set of regular elections.

7.9.3 **By-election:** Where the number of Community Councillors elected at an ordinary or by-election falls below **HALF** of the maximum permitted membership in **Schedule 1**, the CC shall be **dissolved** on the date that the number fell below HALF. DGC shall be informed in writing and shall, within 14 calendar days of receipt of written notification, begin to make the arrangements to hold a by-election.

8.0 Disqualification of Membership

8.1 Community Council membership is invalidated should:

- In an elected or co-opted Community Council member, their residency qualification within that Community Council area ceases to exist.
- a Community Council member fail to attend at least HALF of the scheduled Community Council meetings in any financial year (with or without submitting apologies) At the discretion of individual Community Councils, a period of leave of absence for Community Council members may be granted at any meeting of the Community Council.

9. Meetings

9.1 **First Meeting:** The first meeting following a Community Council ordinary or by-election and upon the establishment of a Community Council will be called by the Returning Officer (RO) and will take place within a calendar month of the date of the election. Failure to hold the first meeting within this timescale shall result in dissolution of the Community Council. The RO must chair the first meeting until a Chair has been appointed, after which the new Chair shall preside over the meeting.

9.2 **Frequency of meetings:** This will be determined by each Community Council, subject to a minimum of one AGM and 5 ordinary meetings being held each financial year (an ordinary meeting is a scheduled business meeting). The AGM shall be held in a month of each year to be determined by the Community Council. Dates, times and venues of ordinary meetings shall be fixed at the first meeting of the Community Council following elections and thereafter at its AGM. Should a Community Council not hold meetings on 2 consecutive occasions, DGC staff will take steps to ascertain the reasons why, to try to avoid dissolution.

9.3 **Quorum:** The quorum for **ALL** Community Council meetings shall be **one-third** of the current voting membership or at least three voting members and if there is a fraction when calculating the number, this should be rounded up. For example, if the current voting membership is 7, the number to be quorate is 3 members. Co-opted members with voting rights may be counted for the purposes of the quorum.

9.4 **Voting:** With the exception of circumstances which may arise under The Scheme (**section 13** - Dissolution) all decisions of the Community Council will be decided by a simple majority of those eligible to vote and present and voting. Only Community Council members with voting rights may vote at ordinary meetings. Members of the public have **no** voting rights at any Community Council meeting –If a vote results in a majority not being achieved, the Chair shall have a casting vote. All motions or amendments shall be moved and seconded.

9.5 Public attendance and their voting rights:

9.5.1 All meetings of the Community Council and its committees shall be open to members of the public, including members of the Press where they wish to attend. Proper provision should be made for the accommodation of the public and they should have the opportunity to address the Community Council, under the guidance of the Chair.

9.5.2 **Private meetings:** The Community Council can meet to discuss items of business in private where it considers it appropriate to do so. The decision to meet in private will be agreed in advance and decided by a majority vote. Notice of such a meeting will be given to the public in the usual way. However, the notice will record that the meeting, or a part of it, shall be held in private. Any decisions taken in private, together with the reason for taking the decision in private, shall be recorded in the minute and reported to the next meeting of the Community Council.

9.6 **AGM agenda:** AGM agendas shall include items for receiving an annual report from the Chair; the appointment of office bearers; the independently examined and certified Statement of Accounts and asset register; provisions for considering any amendments to a Constitution and any other business which can be competently dealt with at an AGM. Fourteen calendar days' public notice is required before an AGM.

9.7 **Extraordinary General Meetings:** An EGM may be called:

- On the request of the Chair of the Community Council
- On the request of at least one-third of the current voting membership or
- On the request of 20 electors for the Community Council area.

The meeting shall be held within 21 calendar days of the Secretary's receipt of the request. The reason for holding the EGM must be clearly stated in the notice calling the meeting. It will only be necessary to call such a meeting if the subject matter of the request cannot be dealt with at the next ordinary meeting of the Community Council. **Fourteen calendar days'** public notice is required before an EGM.

9.8 **Committees:** A Community Council may arrange for the discharge of any of its functions by a committee. When a committee is established, details of the membership and terms of reference shall be included in the minutes of the Community Council. If a committee is appointed to discharge any of the functions of a Community Council, a majority of the committee members shall be elected members of the Community Council. Decisions may be made by the Committee and reported back to the next CC meeting. Meetings of such committees shall be open to the general public as observers

Working Parties Where a working party is formed which has no decision making powers but rather will make recommendations to the Community Council, it will not be necessary to hold those meetings in public.

- 9.9 **Approval of minutes:** Ordinary meeting minutes shall be approved at the next ordinary meeting; AGM minutes shall be approved at the next General minutes shall be approved at the next OM (ordinary meeting).
- 9.10 **Decisions:** A decision taken at any meeting of the Community Council or its committees may not be changed within 6 calendar months of the date of the meeting unless the Chair rules that there has been a material change of circumstances and notice has been given of the proposed change in the agenda for the meeting.

10. Liaison With Dumfries & Galloway Council

- 10.1 Community Councils should contact Community Council Enquiry Service: **CommunityCouncil@dumgal.gov.uk** as the first point of contact for all queries or assistance. In order to facilitate the effective functioning of Community Councils, DGC has identified the Communities Directorate as the lead for Community Councils and the main point of contact. It should be noted that other Council officials will contact Community Councils from time to time.
- 10.2 Community Councils may make representations to DGC and other public and private agencies on matters for which they are responsible and which they consider to be of local interest. In the case of statutory business (such as planning or licensing matters) or consultation by specific DGC department representations should be made to the appropriate DGC official.

11. Resourcing a Community Council and Payment of Expenses

- 11.1 **Funds:** All monies raised by or on behalf of the Community Council or provided by DGC and other sources shall be used to further the statutory purposes stated at 1. and , role and responsibilities stated at 2 and for no other purpose.
- 11.2 **Financial year:** This shall be from **1 April to 31 March** (or as agreed by the Community Council) to allow for the proper submission of independently examined accounts to the Community Council's AGM on a specified date.
- 11.3 **Authorised signatories:** The Community Council shall nominate at least three unrelated office bearers to act as signatories to the Community Council bank account. Any changes to the authorised signatories should be approved and minuted by the Community Council. All cheques and withdrawals should require a minimum of two from those appointed.

11.4 **Financial Records:** Maintain proper financial records and present financial reports at Community Council meetings. Records should include all income and expenditure. Good record keeping would also include an Asset Register if applicable. Inform DGC of any change in membership (resignations, Associate Membership, etc.) and circumstances within one calendar month.

11.5 Independently examined accounts:

11.5.1 The Treasurer shall keep proper accounts of Community Council finances, and annual accounts shall be examined (and certified) by a person appointed by the Community Council who is independent of the Community Council. A copy of the independently examined accounts shall be submitted for approval to the Community Council's AGM and forwarded to DGC within 7 calendar days of the AGM.

11.5.2 DGC can at their discretion and in consultation with the DGC's Head of Finance and Procurement, require a Community Council to produce such records, vouchers and accounts books as DGC considers are required. If there is suspected financial impropriety, DGC has the right to commission a financial governance audit of the Community Council (to be carried out by DGC's internal auditors) or other type of independent financial review of the Community Council (to be carried out by DGC's external auditors). DGC's internal/external auditors will require access to the Community Council's records, its accounts and financial arrangements so that the auditors may follow the trail of public money from DGC through the Community Council to its final destination.

11.6 Discretionary Grant

11.6.1 **Subject to 11.6.2 and 11.6.3** below DGC shall provide an annual grant to Community Councils to be used at their discretion to further the Community Council's statutory purposes stated at 1 and , role and responsibilities stated at 2 and for no other purpose.

11.6.2 Payment of the Discretionary Grant for any financial year is suspensively conditional on the Community Council doing the following in the preceding financial year:

11.6.2.2 The Community Council shall submit to DGC all agenda and draft minutes no less than **7 calendar days** before an ordinary meeting or **14 calendar days** before an AGM or EGM;

11.6.2.3 The Community Council shall submit to DGC all approved minutes **7 calendar days** after the meeting at which they were agreed.

11.6.2.4 The Community Council shall have adhered to the Scheme.

11.6.3 The Community Council shall submit the discretionary grant application on or before 28 February in each financial year. Late applications will not be processed.

- 11.8 **Other DGC grants:** Each Community Council shall be eligible to apply for grants for suitable projects through DGC's grant system, in accordance with local priorities, commitments and eligibility criteria.
- 11.9 **Community benefit funds:** Where the Community Council is responsible for the administration of Windfarm community benefit monies, or any other community funds, a complete audit trail should be kept of all such financial transactions. The receipts and payments should be included in the Community Council's annual financial statement and distinguished from other activities therein. If any question arises about the receipt or use of community benefit funds, the Community Council should seek to agree any proposed use of funds with the developer in advance or seek its own legal advice before committing itself financially.
- 11.10 **Expenses:** Community Councillors may be reimbursed from Community Council funds for reasonable expenses incurred in performing the duties of their posts. Where any Community Councillor is authorised to attend a meeting, they may be entitled to expenses and subsistence at the current DGC rate for elected Members (available from: <http://www.dumgal.gov.uk/CHttpHandler.ashx?id=1933&p=0>).
- 11.9 **Support:** DGC shall determine a consistent level of support to Community Councils across the region within available resources.
- 11.10 **Development:** The Communities Directorate shall offer advice and assistance to Community Councils for development and training on such things as the duties and responsibilities of office bearers, the role of Community Councils, the functions of DGC and other relevant topics.

12. Insurance and The Liability of Community Council Members

- 12.1 DGC shall ensure best value for Community Councils in relation to their public liability insurance cover. Public liability insurance includes cover for the community resilience activities that are contained within the Community Council's agreed community resilience plan. Once the insurance underwriter has confirmed that insurance cover is agreed, the Community Council will be informed. Should a Community Council have any doubt as to the appropriateness of its insurance cover, it may decide to withdraw from the 'blanket' scheme and make arrangements for its own insurance - in this case the Community Council must inform DGC.
- 12.2 It is for individual Community Councils to assure themselves over the level of cover that they have, and they must ensure they take out **additional insurance cover** for other activities not covered by the 'blanket' policy, either with the existing insurance provider or an alternative insurance provider.

13. Dissolution

- 13.1 Community Councils can be dissolved either by their decision or by the decision of DGC.
- 13.1.1 Community Council decision to dissolve: If the CC decides (by a majority of the current voting membership) that it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to dissolve. Not less than **14 calendar days** prior to the date of such meeting the CC must place a public Notice of Meeting in the local newspaper. If the resolution is supported by a majority of those persons present and eligible to vote, the CC shall be deemed to be dissolved
- 13.1.2 DGC decision to dissolve. In the following circumstances, DGC will investigate the reasons why the act or omission has occurred, seek clarification as to how this will be remedied **and may dissolve a Community Council:**
- 13.1.2.1 **Inadequate number of Community Councillors:** Where the number of Community Council members falls below the minimum specified in section 5 of the Scheme, the Community must inform DGC in writing immediately.
- 13.1.2.2 **Failure to hold sufficient ordinary meetings:** Should a Community Council fail to hold a meeting for a period of 2 consecutive scheduled meeting dates, or its membership falls below the prescribed minimum for a period of 2 consecutive scheduled 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 the CC.
- 13.1.2.3 **Failure to hold an AGM:** Should a Community Council fail to hold an AGM in any financial year, DGC will investigate the reasons why an AGM has not been held and seek clarification as to how this will be remedied. Failure to hold an AGM will result in the Community Council's discretionary grant being withheld or reclaimed, whichever is appropriate.
- 13.2 **Certified statement of assets and liabilities:** Certified statement of assets and liabilities: Following dissolution (for any reason and including at the end of the four year period of office) the former Community Council must produce a certified statement of assets and liabilities and submit this to DGC within 4 calendar weeks of the date of dissolution. .
- 13.3 **Re-establishment of a dissolved Community Council:** Where the community wishes to re-establish a CC, a new CC may be formed in an approved area on the written application to DGC of 20 electors in accordance with Section 52(7) of the Local Government (Scotland) Act 1973. The 20 electors will prepare, together with DGC officers,

for the re-establishment of a CC in that area. If the full discretionary grant was not paid to the dissolved CC, the new CC shall be entitled to apply to DGC for a pro-rata payment of the discretionary grant for the remainder of the financial year in which it re- established.

14. Title To Property

- 14.1 Property and other assets of the Community Council shall belong to the Community Council and be used for the statutory purposes stated at 1. and roles and responsibilities stated at 2. It shall not be the personal property of the members. Heritable Property and any other assets which require to be held by a named individual shall be vested jointly and equally in Office Bearers, and their successors in these offices, as trustees for the Community Council, with the Community Council enjoying the beneficial interest.
- 14.2 If a Community Council wishes to transfer its property or assets to another individual or group, it should seek its own independent legal advice on this matter.
- 14.3 The former Community Council will cease at 8am on the day following an election or by-election and all property, assets and responsibilities will immediately transfer to the newly elected Community Council.
- 14.4 In the event of dissolution of a Community Council under 14.1 and all property and assets belonging to the Community Council, including those that are held in the name of Office Bearers in trust for the Community Council, as at the date of dissolution (**after** the satisfaction of any proper debts or liabilities) shall transfer to DGC. DGC shall hold the transferred property and assets in trust for a future Community Council representing that area. The liability of all members and office bearers of the former Community Council shall cease on the transfer of assets and the submission of satisfactory certified accounts for the final period of operation of the former Community Council to DGC.
- 14.5 Should a CC fail to be re-established within **4 years** of the date of dissolution all property and assets held by virtue of 14.4 may be disposed of by DGC for such community or charitable purposes in the former Community Council area as DGC, in its sole discretion, decides.
- 14.6 Should a new Community Council be established within 4 years of the date of dissolution of the former Community Council , all property and assets which had been transferred to and held in trust by DGC shall be transferred to the new Community Council along with the transfer of liability to all voting members and office bearers.

15. Review and Replacement of This Scheme

- 15.1 This Scheme, its Schedules, Appendices and boundary maps, were approved and adopted by resolution of the Dumfries & Galloway Council on XX June 2018.
- 15.2 Dumfries & Galloway Council shall, from time to time, review this Scheme and its Schedules in terms of, Section 53 of the Local Government (Scotland) Act 1973.
- 15.3 Dumfries and Galloway Council may propose to make a new scheme in terms of section 22 (3) of the Local Government etc. (Scotland) Act 1994.
- 15.4 Any request to create new Community Councils can be made during a Review of the Scheme. Such requests should demonstrate local support for the proposal, including minuted or written requests from the public; and the written agreement of the Community Council proposing the change and those Community Councils affected by the change. Potential for working across Community council boundaries can take place at any time. Partnership working across Community council Boundaries is encouraged and can take place at any point during the lifetime of The Scheme.

16. Acceptance of the Scheme

16.1 EVIDENCE OF WILLINGNESS TO ADHERE TO SCHEME FOR COMMUNITY COUNCILS IN DUMFRIES AND GALLOWAY, IN TERMS OF SECTION 2.

We the undersigned, as members of Community Council, hereby agree to adhere to the foregoing Scheme for Community Councils in Dumfries and Galloway

| Date | Full name of member | Class of Member | Signature |
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| Date | Full name of member | Class of Member | Signature |
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Schedule 1: Community Council names, registered voters and maximum permitted membership

Established and Non Established Community Councils - Annandale And Eskdale

| Community Council Name | Area | Number Of Elected Members As Per Scheme- 15/5/14 | Minimum Number Of Elected Members As Per Scheme- 15/5/14 | Pop - 1/9/17 |
|---------------------------------------|-------|--|--|--------------|
| Brydekirk & District -Non Established | A & E | 7 | 4 | 442 |
| Canonbie & District | A & E | 13 | 7 | 1,139 |
| Cummertrees & Cummertrees West | A & E | 11 | 6 | 680 |
| Dalton & Carrutherstown | A & E | 11 | 6 | 333 |
| Eastriggs, Dornock & Creca | A & E | 10 | 5 | 1,840 |
| Eskdalemuir | A & E | 9 | 5 | 216 |
| Gretna & Rigg | A & E | 17 | 9 | 2,690 |
| Hoddom & Eccelfechan | A & E | 12 | 6 | 905 |
| Johnstone | A & E | 12 | 6 | 401 |
| Kirkpatrick Fleming | A & E | 10 | 4 | 584 |
| Kirkpatrick Juxta | A & E | 7 | 4 | 479 |
| Kirtle & Eaglesfield | A & E | 12 | 6 | 840 |
| Langholm, Ewes and Westerkirk | A & E | 15 | 8 | 2,167 |
| Lockerbie & District | A & E | 12 | 6 | 4,077 |
| Middlebie & Waterbeck | A & E | 10 | 5 | 374 |
| Moffat & District | A & E | 12 | 6 | 2,459 |
| North Milk - Non Established | A & E | 12 | 6 | 395 |
| Royal Burgh of Annan | A & E | 12 | 6 | 7,027 |
| The Royal Four Towns | A & E | 11 | 6 | 401 |
| Royal Burgh of Lochmaben | A & E | 11 | 6 | 1,932 |
| Springfield & Gretna Green | A & E | 12 | 6 | 402 |
| Templand & District | A & E | 9 | 5 | 184 |
| Wamphray | A & E | 9 | 5 | 159 |

Established and Non Established Community Councils – Nithsdale

| Community Council Name | Area | Number Of Elected Members As Per Scheme- 15/5/14 | Minimum Number Of Elected Members As Per Scheme- 15/5/14 | Pop - 1/9/17 |
|---|------|--|--|--------------|
| Ae | N | 7 | 4 | 174 |
| Auldgirth & District | N | 7 | 4 | 431 |
| Beeswing - Non Established | N | 9 | 4 | 168 |
| Caerlaverock - Non Established | N | 13 | 4 | 498 |
| Carronbridge | N | 8 | 4 | 192 |
| Closeburn | N | 13 | 5 | 683 |
| Corberry & Laurieknow - Non Established | N | 7 | 4 | 2,310 |
| Dunscore | N | 13 | 7 | 615 |
| Durisdeer - Non Established | N | 13 | 7 | 109 |
| Georgetown | N | 12 | 6 | 5,120 |
| Glencairn | N | 12 | 6 | 774 |
| Heathhall | N | 15 | 7 | 3,107 |
| Holywood & Newbridge | N | 9 | 5 | 422 |
| Irongray | N | 13 | 5 | 314 |
| Keir | N | 7 | 4 | 216 |
| Kingholm Quay - Non Established | N | 7 | 4 | 705 |
| Kirkbean | N | 12 | 6 | 247 |
| Kirkconnel & Kelloholm | N | 14 | 7 | 1,619 |
| Kirkmahoe | N | 7 | 4 | 570 |
| Kirkmichael | N | 7 | 4 | 376 |
| Lincluden | N | 13 | 7 | 1,668 |
| Locharbriggs - Non Established | N | 7 | 4 | 1,558 |
| Lochside & Woodlands | N | 13 | 7 | 3,284 |
| Loreburn | N | 12 | 6 | 5,138 |
| Mouswald - Non Established | N | 12 | 6 | 271 |
| New Abbey | N | 9 | 5 | 445 |
| Penpont | N | 16 | 8 | 480 |
| RB of Sanquhar & District2 | N | 13 | 8 | 1,762 |
| Ruthwell & Clarencefield | N | 15 | 6 | 486 |
| Ryedale - Non Established | N | 12 | 5 | 2,007 |
| Southerness | N | 9 | 4 | 139 |
| St Michaels - Non Established | N | 7 | 4 | 2,295 |
| Summerville & Stakeford - Non Established | N | 7 | 5 | 2,497 |
| Terregles | N | 9 | 7 | 748 |
| Thornhill | N | 15 | 8 | 1,477 |
| Tinwald Parish | N | 7 | 4 | 468 |
| Torthorwald | N | 13 | 7 | 1,038 |
| Troqueer Landward | N | 13 | 7 | 965 |
| Tynron | N | 8 | 4 | 103 |
| Wanlockhead - Non Established | N | 11 | 6 | 152 |

Established and Non Established Community Councils - Stewartry

| Community Council Name | Area | Number Of Elected Members As Per Scheme- 15/5/14 | Minimum Number Of Elected Members As Per Scheme- 15/5/14 | Pop - 1/9/17 |
|-------------------------------------|------|--|--|--------------|
| Auchencairn | S | 7 | 4 | 387 |
| Balmaclellan | S | 9 | 5 | 243 |
| Balmaghie | S | 12 | 6 | 452 |
| Borgue | S | 7 | 4 | 334 |
| Buittle Parish | S | 8 | 4 | 445 |
| Carsphairn | S | 8 | 4 | 169 |
| Castle Douglas | S | 11 | 6 | 3,220 |
| Colvend & Southwick | S | 12 | 6 | 812 |
| Corsock & Kirkpatrick Durham | S | 12 | 6 | 549 |
| Crossmichael & District | S | 12 | 6 | 721 |
| Dalbeattie | S | 12 | 6 | 3,454 |
| Dalry | S | 12 | 6 | 488 |
| Dundrennan | S | 7 | 4 | 161 |
| Gatehouse of Fleet | S | 14 | 7 | 1,242 |
| Kelton | S | 7 | 4 | 399 |
| Kirkgunzeon - Non Established | S | 11 | 6 | 298 |
| Lochrutton | S | 15 | 8 | 387 |
| Parton | S | 9 | 5 | 146 |
| Royal Burgh of Kirkcudbright | S | 12 | 6 | 3,094 |
| Royal Burgh of New Galloway & Kells | S | 12 | 6 | 546 |
| Tongland & Ringford | S | 12 | 6 | 348 |
| Twynholm | S | 7 | 4 | 430 |
| Urr - Non Established | S | 20 | 10 | 1,016 |

Established and Non Established Community Councils – Wigtown

| Community Council Name | Area | Number Of Elected Members As Per Scheme- 15/5/14 | Minimum Number Of Elected Members As Per Scheme- 15/5/14 | Pop - 1/9/17 |
|--|------|--|--|--------------|
| Cairnryan | W | 7 | 4 | 139 |
| Castle Kennedy CC - Non Established | W | 9 | 5 | 372 |
| Cree Valley | W | 21 | 11 | 3,752 |
| Garlieston | W | 12 | 6 | 335 |
| Isle of Whithorn | W | 10 | 5 | 271 |
| Kirkcolm | W | 7 | 4 | 530 |
| Kirkcowan | W | 16 | 8 | 490 |
| Kirkmabreck | W | 10 | 5 | 780 |
| Kirkmaiden | W | 9 | 5 | 583 |
| Leswalt CC - Non Established | W | 7 | 4 | 551 |
| Lochans | W | 7 | 4 | 405 |
| New Luce | W | 9 | 5 | 179 |
| Ochtrelure & Belmont CC- Non Established | W | 10 | 5 | 1,694 |
| Old Luce | W | 15 | 8 | 1,056 |
| Portpatrick | W | 12 | 6 | 614 |
| Port William & District | W | 18 | 9 | 866 |
| The RB of Whithorn & District | W | 14 | 7 | 821 |
| Royal Burgh of Wigtown | W | 15 | 8 | 1,495 |
| Sorbie | W | 12 | 6 | 260 |
| Stoneykirk | W | 12 | 6 | 864 |
| Stranraer | W | 14 | 7 | 6,101 |

Schedule 2: Code of Conduct

1.0 Introduction

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc. (Scotland) Act 2000. The local authority is Dumfries & Galloway Council and is referred to as 'DGC' in this document.

2.0 Principles

2.1 As elected representatives of their communities, Community Councillors have a responsibility to make sure they are familiar with, and that their actions always comply with, the principles set out in this Code of Conduct:

- Service to the community (public service)
- Selflessness
- Integrity
- Objectivity
- Accountability and stewardship
- Openness
- Honesty
- Leadership
- Respect.

3.0 Service to the Community (Public Service)

3.1 As a Community Councillor you must at all times act within the law and in accordance with the Scheme for the Establishment of Community Councils (hereafter called "the Scheme"), as set out by DGC under the terms of the Local Government (Scotland) Act 1973. You should never do anything as a Community Councillor which you could not justify to the public. Your conduct, and what the public believes about your conduct, will affect your Community Council's reputation. At all times you should avoid any occasion for suspicion and any appearance of improper conduct. If you are in any doubt about your actions, seek advice from the Chair or another Community Councillor or from your own legal adviser.

3.2 You have a duty to act in the interests of the local community, which you have been elected or nominated to represent.

3.3 You should ensure that you are, within reason, accessible to the residents living in the Community Council (CC) area as determined by the electoral roll, and put in place various mechanisms to allow the general community to express their views.

4.0 Selflessness

- 4.1 You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.
- 4.2 Whilst you should take into account the views of your local community and you may be strongly influenced by the views of others, it is your responsibility to decide what view to take on any question about which Community Councillors have to make a decision.

5.0 Integrity

- 5.1 You must not place yourself under any financial or other obligation to any individual or organisation that might be thought to influence you in your representation of your community. Non-financial interests can be just as important. Private and personal interests include those of your family and friends, as well as those arising through membership of/association with clubs, societies and other organisations.
- 5.2 You should not accept gifts or hospitality that may be seen to influence (or 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 CC's Secretary.
- 5.3 Whilst the law does not require you, as a Community Councillor, to disclose your direct and indirect financial interests (including those of a partner with whom you are living) in any matter coming before the CC, nor prohibit you from speaking or voting on that matter, you should behave as if the law* applying to Dumfries & Galloway Councillors applies to you. For guidance on declaration of interests, see Section 5 (pages 13-20) of the Standards Commission for Scotland's Councillors' Code of Conduct (hyperlink below). Your CC's Standing Orders (if any) may also require you to withdraw from the meeting while the matter is discussed.

* www.standardscommissionscotland.org.uk/codes-of-conduct/councillors-code-of-conduct

- 5.4 Where you have declared a private or personal interest, you should decide whether it is clear and substantial. If it is not, then you may continue to take part in the discussion of the matter and may vote on it. If it is a clear and substantial interest then (except in the special circumstances described below) you should never take any further part in the proceedings, and should always withdraw from the meeting whilst the matter is being considered. In deciding whether such an interest is clear and substantial, you should ask yourself whether members of the public and your fellow Community Councillors, knowing the facts of the situation, would reasonably think that you might be influenced by it.

- 5.5 In the following circumstances it may still be appropriate to speak, and in some cases to vote, in spite of the fact that you have declared such a clear and substantial private or personal interest. If your interest arises:
- in your capacity as a member of a public body, you may speak and vote on matters concerning that body (for this purpose a public body is one where, under the law governing declarations of financial interests, membership of the body would not represent an indirect financial interest);
 - from being appointed by your CC as its representative on the managing committee or other governing body of a charity, voluntary body or other organisation formed for a public purpose (and not for the personal benefit of the members), you may speak and vote on matters concerning that organisation;
 - from being a member of the managing committee, or other governing body of such an organisation, but you were not appointed by your CC as its representative, then you may speak on matters in which that organisation has an interest; you should not vote on any matter directly affecting the finances or property of that organisation, but you may vote on other matters in which the organisation has an interest;
 - from being an ordinary member or supporter of such an organisation (and you are not a member of its managing committee or other governing body), then you may speak and vote on any matter in which the organisation has an interest; OR
 - if at least HALF of the CC would otherwise be required to withdraw from consideration of the business because they have a personal interest.
- 5.6 If you decide that you should speak or vote, despite a clear and substantial personal or private non-financial interest, you should declare at the meeting **before** the matter is considered that you have taken such a decision, and why.
- 5.7 You should always apply the principles about the disclosure of interests to your dealings with DGC Officers, and to your unofficial relations with other councillors at, for example, informal occasions no less scrupulously than at formal meetings of the CC and its Committees.
- 5.8 This guidance also applies to CC Committees but if the Committee is very small, or if a large proportion of members declare a personal interest, it will usually be most appropriate for the matter to be referred to the full CC.
- 5.9 You, or some firm or body with which you are personally connected, may have professional business or personal interests within the CC's area. Such interests may be substantial and closely related to the CC's work. You should not seek, or accept, membership of the CC or any of its Committees if that would involve you in disclosing an interest so often that you could be of little value to the CC, or if it would be likely to weaken public confidence in the duty of the CC to work solely in the general public interest.
- 5.10 You should not seek or accept the role of Chair of the Community Council or one of its Committees if you or anybody with whom you are associated has a substantial financial interest in, or is closely related to, the business or affairs of the CC.

6.0 Objectivity

- 6.1 In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.
- 6.2 You may be appointed or nominated by your CC 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.

7.0 Accountability and Stewardship

- 7.1 You are accountable for the decisions and actions that you take on behalf of your community through the CC. You must ensure that the CC uses its resources efficiently, effectively and fairly, strictly for CC business and in accordance with the law.
- 7.2 Community Councillors will individually and collectively ensure that the CC's business is conducted according to the Scheme and this Code of Conduct.
- 7.3 Community Councillors will individually and collectively ensure that annual accounts are produced showing the CC's financial undertakings as set out in the Scheme.
- 7.4 Minutes of meetings recording all actions and decisions made should be produced and circulated to all CC members as soon as possible after each meeting.
- 7.5 Any breach of the Scheme may be reported to DGC to determine what action, if necessary, should be taken by DGC.
- 7.6 As a Community Councillor or a Committee member, you may receive information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. You should never disclose or use confidential information for the personal advantage of yourself or of anyone known to you, or to the disadvantage or discredit of the CC or anyone else.

8.0 Openness

- 8.1 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.
- 8.2 If you have dealings with the media, members of the public, or others not directly involved in your CC, 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 CC. Community Councils and Community Councillors should carefully consider any comments/statements they make during meetings, in public, through social media and to the Press, taking into account the standards outlined in this Code of Conduct.

9.0 Honesty

- 9.1 You have a duty to act honestly. You should treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. There are no hard or fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be a proper way of doing business, provided that they are approved by the CC beforehand and that no extravagance is involved. Likewise, it may be reasonable for a member to represent the CC at a social function or event organised by outside persons or bodies.
- 9.2 There may be rules enabling you to claim expenses and allowances in connection with your duties and these rules must be scrupulously observed.
- 9.3 You should always make sure that any facilities (such as transport, stationery, or secretarial services) provided by the CC for use in your duties are used strictly for those duties and for no other purpose.

10.0 Leadership

- 10.1 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 CC 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.
- 10.2 You should act to assist the CC, as far as possible, in the interest of the whole community that it serves. Where the concerns of particular interest groups are in conflict with those of other groups or other areas, you should help to ensure that the CC is aware of them.

11.0 Respect

- 11.1 You must respect fellow members of your CC 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 with whom you have dealings in your capacity as a Community Councillor.
- 11.2 Recognition should be given to the contribution of everyone participating in the work of the CC. You must comply with the Equality Act 2010 and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skills and experience taken into account.
- 11.3 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.

12.0 Sanctions

- 12.1 Failure to observe the Code of Conduct may lead to suspension if felt appropriate by the CC. This matter will be decided by a majority of Community Councillors with voting rights.

This Code has been issued by Dumfries & Galloway Council in relation to the standard of behaviour expected by the Scottish Government of local Community Councillors. See the Councillors' Code of Conduct at www.scotland.gov.uk/Publications/2010/12/10145144/2

The nomination form for a Community Councillor contains a statement whereby they must agree to comply with this Code of Conduct.

Schedule 3: Independent Complaints Procedure

To be confirmed during Phase 3

1 Introduction

This Schedule to the Scheme for the Establishment of Community Councils in Dumfries & Galloway (hereafter called "The Scheme"), gives guidance on how complaints about Community Councils or disputes between members of the Community Council may be dealt with. The Independent Complaints Procedure must be adopted by a Community Council at an ordinary meeting. It does NOT apply to:

- Complaints that have been submitted more than 12 months after the complainant became aware of the matter they want to complain about.
- Complaints that are being dealt with by insurers.
- Complaints that are the subject of legal proceedings or statutory procedures.

2 What Is a Complaint?

A complaint is an expression of dissatisfaction about a Community Council or individual Community Councillor which requires action to remedy, for example:

- Failure to conform to The Scheme or to exercise their purpose under The Scheme.
- Failure to provide information/giving incorrect information.
- Behaviour or conduct of a Community Councillor acting in their role as a Community Councillor.
- The absence of policies or procedures.
- Alleged discrimination, for example on the grounds of race, gender, disability, age, sexual or religious orientation.

If any doubt remains as to whether the complainant's dissatisfaction qualifies as a complaint, the complainant's wishes should be respected. If the complainant insists on making a complaint then they should be allowed to do so and have their complaint investigated fairly in all respects.

All complaints should be submitted to the Community Council's responsible person for complaints and responded to in writing (by e-mail or letter). After receiving a complaint, at all stages communication with the complainant should be by their preferred method: e-mail, letter or telephone. The Community Council or Community Councillor who is the subject of a complaint will be invited to make representations at all stages of the process.

All timescales are in working days i.e. Monday to Friday. However, some complaints may take a longer period to sort out in which case timescales may be extended and the complainant advised.

3. STAGE 1: Local Resolution

A complaint expressing dissatisfaction about a Community Council or an individual Community Councillor should be made to the Community Council. Complaints in writing (by letter or email). The Community Council's Secretary would usually be the responsible person for dealing with complaints, but another Community Councillor could be appointed. If the complaint is about the responsible person for dealing with complaints, the complaint should be sent to another office bearer.

If a complaint is raised with an elected Member (local Councillor) of Dumfries & Galloway Council (DGC) or an officer of DGC, the complainant shall be advised to submit their complaint directly to the Community Council.

The Community Council will try to resolve any complaint quickly and informally where possible. If it is not possible for immediate resolution the Community Council shall:

- Appoint an investigating officer and send a written acknowledgement of the complaint within 5 working days.
- Convene a Special Meeting of the Community Council within 30 working days of receipt of the complaint to consider the investigating officer's findings. This meeting may be held in private, in compliance with the Scheme. This may require some Community Councillors to be excluded due to conflict of interest e.g. being implicated in the complaint.
- Inform the complainant about the outcome in writing within 42 working days from the date the complaint was received by the Community Council, advise whether the points of complaint were upheld, not upheld or partially upheld; and give advice on Stage 2 in the event that the complainant is not satisfied with the outcome.
- In the event the timescales cannot be met, write to update the complainant regularly until the outcome of the complaint is available.

4. STAGE 2: Appeal To Review Panel

If a complainant is not happy with the response of the Community Council to the complaint, they may request a referral to a Review Panel. A request for review must be made in writing to the Community Council within 20 working days from the date of the response to the original complaint. The request for a review will be acknowledged in writing by the Community Council within 5 working days from the date the request is received by the Community Council.

The Review Panel should involve a Chair (not necessarily the Chair of the Community Council) and three other voting Community Councillors who are from neighbouring Community Councils.

The Review Panel shall seek to negotiate an acceptable resolution; and the outcome will be confirmed to the complainant and the Community Council within 35 working days of the receipt of the request for review and will advise what further action, if any, may be taken in the event that either the complainant or Community Council continues to be unhappy.

The Review Panel will make recommendations to the Community Council as to further action which may be taken e.g. in the event that complaints are considered vexatious then no further redress would be appropriate.

5. Remedy & Redress

When at any stage a complaint is found to be upheld the response will seek to provide an appropriate resolution. This may include:

- an explanation and an apology;
- a proposal to see an appropriate resolution;
- advice on any changes to be made as a result of the complaint to avoid problems recurring in the future.

Censure or suspension (see below) may be considered at Stage 1 in cases of obvious misconduct, following appropriate checks and approvals before such action is taken.

The Review Panel at Stage 2 may impose sanctions as a result of the complaint and these sanctions may include:

- Censure (an official rebuke or expression of disapproval) but otherwise taking no action against an individual member or a Community Council.
- Suspension for a period not exceeding 6 months of entitlement of a member of a Community Council to act in such capacity.

In the case of a Community Council, a recommendation may be made to Dumfries & Galloway Council that:

- Any sums payable to the Community Council should be withheld.
- The Community Council should be dissolved in accordance with Section 14 of the Scheme of Establishment (or as revised).

6. Complaints Relating to Financial Impropriety or Criminal Activity

Any complaints alleging financial impropriety should be given careful consideration as to decide how to proceed and, if appropriate, DGC Communities Business Management staff should be advised. Upon receipt of complaints making allegations of criminal activity the Community Council should consider whether to involve the Police.

DGC has the right to commission a financial governance audit or other type of independent financial review of the Community Council if there is suspected financial impropriety. The Council's auditors will have access to the Community Council's key records and, if appropriate, its accounts and financial arrangements so that the auditors may follow the trail of public money from DGC through the Community Council to its final destination.

7. Investigative Reports

Investigative reports shall be written by the person responsible for investigating a complaint, and will be shared with the complainant.

