

Dundee City Council's Scheme for the Establishment of Community Councils 2024

1 Background

The Scottish Government's Model Scheme for the Establishment of Community Councils 2023 upon which this document is based replaces the Model Scheme that was first published in 2009.

The Model Scheme for Community Councils in Scotland is designed to enable the establishment of community councils across Scotland to provide a common minimum basic framework governing their creation and operation. However, each local authority is responsible for consulting on and agreeing its own Scheme.

Dundee City Council has a statutory responsibility to prepare this Scheme, but community councils are thereafter established by statute and responsible for their own operations and resourcing, except where it is explicitly stated in this scheme that Dundee City Council will provide support or resources. A copy of all Models referenced in this scheme will be held on Dundee City Council's website and these shall include:

- Code of Conduct
- Model Constitution
- Model Standing Orders
- Model Complaints Procedure
- Community Council Maps
- Community Council Population Data
- Community Council Funding Calculation

2 Introduction

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

The role of community councils in Scotland was further strengthened by the Community Empowerment (Scotland) Act 2015 which identified them as community participation bodies.

Community councils have a statutory right to be consulted on applications for planning permission and have a key role as per the Planning (Scotland) Act 2019 in engaging with the statutory planning system.

3 Statutory Purpose

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

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

4 The Role and Responsibilities of Community Councils

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

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

Community councils have a statutory right to be consulted on planning applications.

Licensing matters and any other matters may also be jointly agreed between community councils, the local authority and other public sector and private agencies.

The Community Empowerment (Scotland) Act 2015 also provides new statutory rights for community councils along with other community organisations. This includes Part 3 Participation Requests, Part 8 Common Good and Part 9 Allotments.

Community councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objects of their Constitution and the terms of Dundee City Council's Scheme for the Establishment of Community Councils.

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

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

Each community council is required to adopt a Constitution, based upon the Model Constitution, which has been produced for national use, together with Model Standing Orders, 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 Dundee City Council.

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. Good Practice Guidance has been produced to help community councils to deliver on these responsibilities.

In order to fulfil their responsibilities as effective and representative, community councils shall: -

Inform the community of the work and decisions of the community council by posting agendas and minutes of meetings in public places, such as libraries, notice boards and online, subject to the provisions contained within the Data Protection Act 1998 and the General Data Protection Regulations (2018), provide contact details of community council members.

Agendas and draft minutes of community councils' meetings must be presented to Dundee City Council 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 of any change in membership (resignations, Associate Membership, etc.) and circumstances, as soon as is practicable.

Respond to enquiries and feedback from the community.

5 Complaints

It is the responsibility of the community council to deal with any complaints about the community council as a whole or individual community councillors in the first instance. Each community council will adopt a complaints procedure. In order to support this Dundee City Council will provide a Model Complaints Procedure.

In exceptional circumstances, where it has been demonstrated that a complaint cannot be resolved or has not been sufficiently addressed under the Model Complaints Procedure, Dundee City Council may mediate between a community council and a complainer.

6 Community Council Areas Within Local Authority Areas

Dundee City Council has produced a list of named community council areas and a map or maps that define their boundaries. Maps can be found at [Community Councils and Neighbourhood Representative Structures | Dundee City Council](#)

7 Membership

There shall be minimum and maximum membership numbers of elected community councillors in a community council. Due to the diverse nature of local authority areas, where there may be areas of sparse population relative to geographical disposition, such as island communities, each local authority may set its own formula within their scheme for the definition of a minimum and maximum number of community council members in any community council area.

The minimum age to stand for election as a community councillor is 16 years. Qualification for membership is by residency within the specific community council area. Community councillors and candidates for community council membership must also be named on the electoral register for the community council area in which they reside. There shall be provision made for non-voting Associate Membership for purposes as defined by each community council. For example, for persons under 16 years of age. Such persons will not be counted in terms of meeting a quorum, or towards the total number of community council members.

Elected members of Dundee City Council and members of the Scottish and United Kingdom Parliaments are entitled to become *ex-officio* members of community councils, with no voting rights. A broad outline of the remit and responsibilities of each of these institutions is featured in the Guidance Notes accompanying the Model Scheme.

The population data for 2023 will be used to calculate the community councillor quota for the life of this Scheme.

In Dundee the formula shall be:

- 10 community councillors per 1st 5,000 Registered Electors
- 1 additional community councillor for each additional 1000 Registered Electors
- Community councils with Registered Electors of less than 5000 are entitled to a quota of 10 community councillors

Community Council Area	Registered Electors	Community Councillor Quota	Maximum Number of	Minimum Number of Elected Community Councillors

			Co-Opted Community Councillors *	
1. Ardler	2187	10	3	5
2. Broughty Ferry	16127	21	7	11
3. Charleston	3088	10	3	5
4. Western Gateway	1144	10	3	5
5. City Centre and Harbour	2592	10	3	5
6. Coldside	14784	19	6	10
7. Craigiebank and Craigiebarns	2838	10	3	5
8. Dalclaverhouse/ Mill O' Mains	2111	10	3	5
9. Douglas, Angus and Craigie	5766	10	3	5
10. Downfield and Brackens	8041	13	4	7
11. Fintry	4563	10	3	5
12. Kirkton	4894	10	3	5
13. Lochee	5212	10	3	5
14. Menzieshill	5379	10	3	5
15. Mid Craigie/ Linlathen	3248	10	3	5
16. Stobswell and District	9963	14	4	7
17. West End	14249	19	6	10
18. Whitfield	5067	10	3	5
Dundee City Overall Total	111,253	216		
* Co-opted members may at no time exceed more than One Third of the number of elected community councillors elected at a General or Interim Election.				

8 Establishment of Community Councils under the Model Scheme

Dundee City Council may choose to review their own scheme of establishment. Upon revocation of the 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 shall be undertaken prior to its formal adoption.

9 Community Council Elections Eligibility

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

Sixteen and 17 year-olds residing in the community council area and named on the Electoral Register for that area are also entitled to both stand for the community council and vote in any election.

Any community council member who no longer resides within that community council area is deemed to have resigned from that community council. Dundee City Council can enable community council members who have left the community council area to remain in place until the next election (full or interim) should they wish to.

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

10 Nominations and Elections

The first elections to be held under the Scheme shall be held on a date to be determined by Dundee City Council.

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

Dundee City Council will administer all elections.

11 Returning Officer

Dundee City Council will appoint an Independent Returning/Depute Officer. The Independent Returning/Depute Officer must not be a current elected member of that community council nor intending to stand for election to that community council.

12 Nominations

Individuals seeking election to a community council require to be nominated by a proposer and seconder, both of whom must be on the Electoral Register for that community council area. Nominations require to be submitted with the candidate's consent.

A nomination form should be completed, the style of which will be described within the Guidance Notes. Nominations require to be submitted by post, email or online by the date set down in the election timetable. No nomination forms submitted after that date will be accepted.

13 Process

On the expiry of the period for lodging nominations:

- Should the number of candidates validly nominated equal or exceed **HALF**, but be less than or equal to the total maximum permitted membership as specified for the community council area, the said candidates will be declared to be elected and no ballot shall be held.
- Should the number of candidates validly nominated exceed the total maximum permitted membership as specified for the community council area, arrangements for a Poll shall be implemented. At the Poll, each voter shall be entitled to vote for candidates up to the number of vacancies on the community council.
- Should the number of candidates elected, be below **HALF** of the total maximum permitted membership, as specified for the community council area, no community council will be established at that time. However, that does not preclude Dundee City Council from issuing a second call for nominations for a community council area failing to meet the minimum membership requirement within 6 months of the closing date for the registration of the first call for nominations.

14 Method of Election

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

15 Filling of casual places/vacancies between elections

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

- When an elected community council member submits their resignation;

- When an elected community council member ceases to be resident within that community council area;
- When an elected community council member has their membership disqualified (Clause 18).
- On the death of an elected community council member.

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

16 Co-option to Community Councils

Co-opted members must be eligible for membership of the community council as detailed in Section 5 of the Community Council Scheme. They must be elected onto the community council by a two-thirds majority of the elected (general and interim) community councillors present and voting. Such co-opted members shall have full voting rights, with the exception of voting on co-option of members, and will serve until the next round of elections (general and interim). Notice of any proposed co-option procedure is required to be intimated to all of that community council's members at least 14 days prior to the meeting when the matter will be decided.

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

17 Additional Membership

Associate Members

Associate members may be appointed by a community council where there may be a need for individuals with particular skills or knowledge. These individuals do not have voting rights. Associate members may serve for a fixed period as determined by the community council or for the term of office of the community council that has appointed them. Associate members may also include representation from other constituted local voluntary organisations. Associate members are not required to be residents of the community council area.

Ex-Officio Members

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

Youth Membership

Each community council is able to appoint two youth members between the ages of 16-18. Youth members must live within the community council area. These members shall be in addition to the total membership of each community council but will be considered as full members of the community council. They will have full voting rights, with the exception of co-option and will be appointed for a two-year term.

18 Equalities

The Equality Act 2010 makes it unlawful to discriminate against persons or groups on the grounds of the protected characteristics of race, sex, gender recognition, disability, age, sexual orientation, marriage and civil partnership, pregnancy and maternity, and religion or belief.

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 should recognise and value diversity in their membership and in their communities, ensuring that equality of opportunity be given to every resident 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, whether online or in-person. 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.

19 Disqualification of Membership

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

20 Meetings

The first meeting of a community council following a community council election, will be called by an independent Returning Officer approved by the local authority and will take place within 21 days of the date of the election, or as soon as practicable thereafter. The business of that meeting will include adoption of a Constitution and Standing Orders, appointment of office bearers and any outstanding business matters from the outgoing community council.

The frequency of meetings will be determined by each community council, subject to a minimum of one annual general meeting and 6 ordinary meetings being held each year. The annual general meeting shall be held in a month of each year to be determined by Dundee City Council.

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

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

21 Virtual Meetings

Community councils may decide to take an in-person, online or hybrid approach to their meetings, and the platform to be used for any meeting is for the community council to decide.

Virtual meetings may include members of the public where this can be accommodated, but this is not mandatory and for each community council to determine.

Whether or not they are able to attend, proper provision must be made to afford members of the public the opportunity to address the community council as set out in the following paragraph.

An Agenda for the meeting shall be published in the usual way and all Members of the community council and members of the public invited, in advance, to submit comments on any Agenda item to the community council's generic email address or by other appropriate means; such views to be considered by the Members dealing with the items of business. Comments may also be submitted during the meeting itself, but the ability to receive comments in advance will assist the community council in managing a remote meeting.

Minutes of the meeting and details of any decisions taken must be recorded, in writing, in the usual way and made publicly available. Video or audio recording of meetings can only take place with the clear consent of all present, such consent to be recorded in the written minutes.

22 Liaison with Dundee City Council

In order to facilitate the effective functioning of community councils, Dundee City Council has identified officials to act as a Liaison Officer with community councils. These officials are the relevant Communities Officer covering the community council's area. Unless there is a specific agreement or an issue is a specific departmental issue, all correspondence between the local authority and the community councils should, in the first instance, be directed through that official.

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

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

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

23 Resourcing a Community Council

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

The Annual Accounts of each community council shall be independently examined by an 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, to a named official of the local authority.

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

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

Each community council shall be eligible to apply for grants for suitable projects through Dundee City Council's grants system.

Dundee City Council may provide an initial administrative grant to community councils to assist with the operating costs of the community council. The grant shall be fixed at a minimum flat rate of £330 with an additional minimal 2p per Registered Elector.

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

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

24 Liability of Community Council Members

Insurance is required for a community council to be operational. All community councils should arrange their own insurance.

25 Dissolution of a Community Council

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

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), Dundee City Council shall take action to dissolve that community council.