

SOUTH LANARKSHIRE COUNCIL

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

INTRODUCTION

South Lanarkshire Council (called "the Council" in this document) have responsibilities for the review, amendment and where necessary the preparation of a new Scheme for Community Councils. The Council has made the following Scheme for the Establishment of Community Councils for their area.

1. AREAS

Areas & Divisions Each of the areas specified in Column 1 of Appendix 1 attached to this Scheme identified by the relevant map reference on the attached plans should have a Community Council for that area.

Some areas will, for the purposes of elections, be divided and these Divisions are also detailed in Appendix 1. These Divisions must be referred to in any constitution of the Community Council for that area.

Column 3 of Appendix 1 specifies the number of members to be elected for each area or division. The Divisions and the number of members for each Division cannot be altered by Community Councils. Any alteration must be made by amendment of this Scheme by the Council and is subject to public consultation and consideration of objections.

2. MEMBERSHIP

Number of Members The number of members of each Community Council is specified in Column 3 of Appendix 1.

Elected Members Each Community Council will have the number of elected members specified in Column 4 of Appendix 1. Elected members make-up two thirds of the total membership of a Community Council. The method of election will be dealt with later in the Scheme.

Nominated Members The remaining one-third of the membership are nominated members. This is a maximum number. The method of nomination is dealt with later in the scheme.

Others Members of Parliament, Members of the Scottish Parliament and Members of the Council are automatically, as a result of their office, members of the Community Council for any area either wholly or partly in the constituency or ward which they represent. They have no voting rights.

3. ELECTIONS

Initial Election A new Community Council may be formed if at least 20 persons who are entitled to vote in elections for the Community Council apply to the Council.

The Council will hold initial elections to a Community Council. The procedures to be followed by the Council are detailed in Part 1 of Appendix 2.

Second Election Members elected at the first election in any Community Council area will hold office until the last Tuesday of October 2002, when the Second Ordinary election will be held. AG.

Further Elections The Second and Subsequent Elections will be organised and held by each Community Council every third year after the Second Ordinary elections on the last Tuesday of October. This includes the appointment of the Returning Officer who may be a member of the Community Council.

Method Members of Community Councils will be elected by means of a ballot box with secret voting. The procedures to be followed by Community Councils during voting are detailed in Part 2 of Appendix 2.

No Requirements for Elections No elections will be held if the number of candidates is equal to or less than the number of elected places. All candidates will be declared elected to the Community Council on the date on which the election were to take place.

Insufficient Number of Candidates If there are fewer candidates than the number of members to be elected, the Community Council must advise the Council.

The Council can

- let the Community Council treat the vacancies as casual vacancies.
- order the Community Council to take some action or
- take such action as the Council consider appropriate.

These powers are not restricted by anything in this Scheme.

4. NOMINATED MEMBERS

First Meeting after an Election The first meeting of the Community Council will be called by the Returning Officer appointed by the Community Council to arrange the elections within one week of the election. The time period of one week does not apply to the initial election. The provisions of Part 1 of Appendix 2 apply in relation to the calling of a first meeting after the Initial Election.

Nominations At their first meeting, the elected members of the Community Council must arrange for the nomination of the remaining one third of members of the Community Council.

Terms of Office Nominated members of the Community Council will stop being members of the Community Council on the last Tuesday of October each year.

Re-Nomination A nominated member of a Community Council can be re-nominated.

Nomination Procedure Except in an election year, the elected members of the Community Council must, prior to the nominated members stopping being members of the Community Council, make arrangements for the impending vacancies to be filled.

In order to do so the elected members must invite organisations to nominate a person or persons to the Community Council. Any organisation may only nominate one person. Community Councils must seek nominations from organisations which have an interest in their area, ie churches, sports councils, tenants' groups/residents' associations. (This list does not restrict the Community Council to the organisations specifically listed.)

The requirement to fill vacancies prior to them becoming vacant does not apply to an election year. The procedure to seek nominations commence in that year after the ordinary election as stipulated previously.

5. ELECTORS

Entitlement to Vote All people whose names appear in the current register of electors or Supplementary List for the area or division of a Community Council are entitled to vote in Community Council elections.

In addition people, whose names are on the Supplementary List for that area or Division, are also entitled to vote in Community Council elections. The Supplementary List will be prepared by the Council in relation to the initial elections.

Community Council Responsibility for Supplementary List After the initial election, each Community Council will prepare a further Supplementary List for each subsequent ordinary election. The procedure for preparation of the Supplementary List is detailed in Part 2 of Appendix 2.

6. MEMBERS

Qualifications for Election or Nomination or Co-option Only people who are entitled to vote in a Community Council area or Division can be

- a candidate for election
- a co-opted member

A person who is nominated for membership need not be able to vote in a Community Council area.

Prohibition on Membership Members of Parliament and Members of the Council cannot stand for election or nomination to a Community Council within South Lanarkshire.

7 OFFICE BEARERS

Appointment Each Community Council must, at its Annual General Meeting, elect a Chairman, Secretary and Treasurer and such other office bearers as required in terms of its constitution.

Restriction on Offices All offices may be filled by either an elected or nominated member of the Council. However, no one person will hold more than one office in the Community Council if elected as Chairman, Secretary or Treasurer.

8 CASUAL VACANCIES

Definition Casual vacancies are vacancies which occur in the membership of a Community Council either as a result of the death, resignation, non-attendance at meetings of a member of the Community Council.

Filling Casual Vacancies

a) **Elected Members** Elected member casual vacancies will be filled by the Community Council co-opting members.

Term of Office etc The previous rules on nominated members also apply to co-opted members, with the exception that co-opted members will hold office until the next ordinary election.

Restrictions on The total number of nominated or co-opted members cannot exceed the total number of elected members. In these circumstances, the

- Substitute Members** casual vacancy can only be filled by a by-election.
Each constitution of Community Councils will specify the procedure to be followed to hold a by-election.
- Time Limit on Elections** Where a by-election is necessary, this must be held within 3 months of the casual vacancy occurring.

If a Community Council fails to hold a by-election within the time limit then the Community Council will be dissolved and the procedures on dissolution specified later will apply.
- b) **Nominated Members** Nominated member casual vacancies will to be filled by inviting the organisation which made the original nomination to make a further nomination.
- Term of Office** All casual vacancies appointed in the nominated membership will hold office until the last Tuesday of October immediately following their appointment.
- c) **Casual Vacancies Immediately Prior to an Ordinary Election** If a casual vacancy occurs 3 months prior to an ordinary election then the Community Council are not required to fill that vacancy.

9. MEETINGS

- Minimum Number** Each Community Council must have at least four meetings each year. One of these meetings must be an Annual General Meeting which can only be called after the nomination process has been completed.
- Annual General Meeting** At the Annual General Meeting, the Community Council must approve the annual report and financial accounts of the Community Council for the previous year.

In addition to any other business, the Community Council must also appoint auditors and office bearers.

In an election year, the Annual General Meeting must be held within four weeks of the holding of the first meeting of the Community Council.
- Special General Meeting** A Community Council must call a special General Meeting if 25 Community Council electors in the area write asking for it and specify the issue to be discussed at the meeting.
- Public Meetings** All Community Council meetings must be open to the public and the

press. All times and places of meetings must be advertised either in a local newspaper or displayed in prominent places where the notice could be seen by members of the public (this includes Libraries and similar places) throughout the area of the Community Council at least one week before the meeting.

10. FINANCIAL AND OTHER ASSISTANCE

Council Grant The Council will provide each Community Council with an annual grant. The grant will be decided each year by the Council and is to be used solely for the administration costs of the Community Council.

The grant will only be paid after the previous year's accounts have been audited by the Community Council auditor and forwarded to and approved by the Council.

Specific Projects In addition to the annual grant, each Community Council can apply for financial assistance for specific projects. The Council can attach any conditions to an award of grant.

11. AUDIT OF ACCOUNTS

Appointment of Auditor Each Community Council must appoint annually an Auditor who is to be a Chartered Accountant. The Community Council may pay an appropriate amount for that the service. The Auditor cannot be a member of the Community Council.

12. EXCHANGE OF INFORMATION

To ensure that there is sufficient communication between the Council, Community Councils and other organisations

(a) the Council will

- send agendas of all its meetings to each Community Council at the same time as they are sent to members of the Council.
- send its Minutes to each Community Council, following approval,
- issue to each Community Council lists of Council officials dealing with specific services.
- encourage public authorities to consult with Community Councils on issues affecting their area

(b) each Community Council will send to a specified officer of the Council:-

- copies of the agendas of all its meetings at the same time as they are sent to members of the Community Council.

- copies of the Minutes of their meetings, following approval.
- an annual report on their activities.

13. CONSTITUTIONS OF COMMUNITY COUNCILS

Approval by Council Each Community Council must, as soon as possible after its establishment, draw up a constitution. The constitution must deal with the various issues specified in Appendix 3. Nothing in the constitution must conflict with this Scheme.

Each constitution must be approved at a General Meeting of the Community Council and then submitted to the Council for its approval.

Amendment of Constitutions Once a constitution has been approved by the Council, the constitution cannot be altered unless the alteration has been approved by the Council.

14. DISSOLUTION

Procedure after Dissolution If a Community Council is dissolved the property and funds owned on the date of its dissolution will transfer to the Council.

The Council must apply the funds for the benefit of the inhabitants of the Community Council area. Should a successor Community Council be formed within six months of the dissolution of the previous Community Council, the Council will transfer all remaining assets and funds to it. After that time it will be at the discretion of the Council how the funds should be applied for the benefit of the inhabitants of that area.

15. ACTIVITIES

a) Political Activities Community Councils must not take part in activities relating to sponsoring, endorsing or supporting groups, individuals or organisations in connection with parliamentary (including elections to the European and Scottish Parliaments) and local elections.

Any failure to comply with this requirement may result in the Council taking action against the Community Council concerned. This includes the possible withholding of grant monies.

b) Equal Opportunity Community Council must ensure that, in all its activities:-

- unlawful discrimination on the grounds of race, sex or disability do not occur.
- it promotes equality of opportunity, and

- it promotes good relations between people of different racial origins.

16. CODE OF PRACTICE

Following consultation with Community Councils the Council will introduce a Code of Practice dealing with:-

- the conduct of meetings of Community Councils.
- procedures for processing requests for administration grants and specific project grants
- the exchange of information between the Council, Community Councils and other public bodies.

Each Community Council must comply, so far as possible, with the provisions of the Code of Practice.

17. REVIEW OF SCHEME

The Council will review this Scheme from time to time. If a change is proposed it will follow the procedure laid down in Section 53 of the Local Government (Scotland) Act 1973, as amended.

This Scheme was made by South Lanarkshire Council on 11 August 1999 and will come into force on 17 September 1999

APPENDIX 1

	Column 1	Column 2	Column 3	Column 4	Column 5
Map Ref	Name	Electorate	Size of CC	No. Elected	No. Nominated
1	Royal Burgh of Lanark	5,968	15	10	5
	Division 1	3,700	9	6	3
	Division 2	2,268	6	4	2
2	New Lanark	1,100	9	6	3
3	Lesmahagow	3,346	9	6	3
4	Blackwood	3,174	9	6	3
5	Clyde Valley	827	9	6	3
6	Blackmount	637	9	6	3
7	Symington	709	9	6	3
8	Biggar	1,808	9	6	3
9	Leadhills	271	9	6	3
10	Crawford	429	9	6	3
11	Duneaton	927	9	6	3
12	Carmichael	292	9	6	3
13	Pettinain	150	9	6	3
14	Libberton, Quothquan and Thankerton	763	9	6	3
15	Carstairs	2,354	9	6	3
16	Carnwath	1,086	9	6	3
17	Douglas	1,718	9	6	3
	Division 1	292	3	2	1
	Division 2	1,426	6	4	2
18	Douglas Water & Rigside	759	9	6	3
19	Coalburn	902	9	6	3
20	Carluke	13,149	32	21	11
	Division 1	3,768	9	6	3
	Division 2	3,791	9	6	3
	Division 3	3,640	9	6	3
	Division 4	1,950	5	3	2
21	Forth	3,146	9	6	3
22	Tarbrax	400	9	6	3
23	Calderwood	10,764	26	18	8
	Division 1	3,694	9	6	3
	Division 2	3,411	8	6	2
	Division 3	3,659	9	6	3
24	St Leonard's	7,403	18	12	6
	Division 1	3,750	9	6	3
	Division 2	3,653	9	6	3
25	East Mains	3,605	9	6	3
26	West Mains	3,409	9	6	3

27	Westwood	7,044	18	12	6
28	Murray	5,605	14	9	5
	Division 1	3,459	9	6	3
	Division 2	2,146	5	3	2
29	Greenhills	6,703	17	11	6
30	Whitehills	3,578	9	6	3
31	Hairmyres	7,202	18	12	6
	Division 1	3,521	9	6	3
	Division 2	3,681	9	6	3
32	Jackton & Thorntonhall	1,200	9	6	3
33	Stewartfield	3,183	9	6	3
34	Lindsay, Auldhouse & Chapelton	2,367	9	6	3
35	Strathaven	5,342	13	9	4
36	Sandford/Upper Avondale	1,710	9	6	3
37	Blantyre	10,901	27	18	9
	Division 1	3,720	9	6	3
	Division 2	3,478	9	6	3
	Division 3	3,703	9	6	3
38	Burnbank	3,716	9	6	3
39	Hamilton Centre	3,511	9	6	3
40	Whitehill	3,466	9	6	3
41	Bothwell	4,963	12	8	4
42	Uddingston	4,472	12	8	4
43	Hillhouse	3,070	9	6	3
44	Udston	3,585	9	6	3
45	Wellhall	3,626	9	6	3
46	Earnock	3,643	9	6	3
47	Meikle Earnock	3,234	9	6	3
48	Hamilton Centre/Ferniegair	3,557	9	6	3
49	Low Waters	3,533	9	6	3
50	Silvertonhill	6,721	16	10	6
51	Quarter/Cadzow	700	9	6	3
52	Ashgill & Netherburn	2,387	9	6	3
53	Larkhall	11,530	28	18	10
	Division 1	5,002	12	8	4
	Division 2	3,548	8	5	3
	Division 3	2,980	8	5	3
54	Stonehouse	4,270	10	7	3
55	Rutherglen	18,882	46	30	16
	Division 1	3,662	9	6	3
	Division 2	3,741	9	6	3
	Division 3	3,528	8	5	3
	Division 4	1,842	5	3	2
	Division 5	3,647	9	6	3
	Division 6	2,462	6	4	2

56	Burnside	6,700	16	10	6
57	Cambuslang	9,770	24	16	8
	Division 1	2,365	6	4	2
	Division 2	3,535	9	6	3
	Division 3	3,870	9	6	3
58	Halfway	6,479	16	10	6
	Division 1	3,702	9	6	3
	Division 2	2,777	7	4	3

APPENDIX 2

Part 1

Community Councils

Procedure for Initial Elections

1. The Council will arrange the initial elections to a Community Council within 6 weeks of 20 electors for the area requesting the establishment of a Community Council.

At least 5 weeks before the election, the Council will invite nominations and specify a closing date for receipt of nominations. The closing date must be at least 2 weeks before the date of the elections.

Nominations must be made by a proposer and seconder who must be electors for the area or division. The person nominated must accept the nomination in writing.

2. If the number of candidates is more than one half of the number of members to be elected but does not exceed the number of members to be elected for the area or division, no election will be held. On the day that the election was to have taken place, the candidates will be declared to be elected to the Community Council.

If the number of candidates is equal to or below one half of the number of the members to be elected to that Community Council, no Community Council will be formed. In such circumstances, the Council may take such action as it deems appropriate to foster the formation of a Community Council.

3. At least 10 days before the election, the Council will advertise in a local newspaper the time and place elections will be held. People who are unable to attend the relevant polling station will be invited in the advertisement to apply for a postal vote.

People entitled to vote, but who are not on the electoral roll for the Community Council area, will be invited to apply to have their names added on the Supplementary List of Community Council electors. This Supplementary List will, for the initial election, be prepared by the Council. Only people with evidence of age and residence will be added on the list.

4. Where an election is necessary it will be held at a polling station or stations arranged for by the Chief Executive of the Council or the person to whom he has delegated his authority as Returning Officer. The polling station or stations will be open between the hours of 8.00am and 8.00pm.

5. Electors, on entering the polling station, will have their names crossed off the relevant list and will receive a ballot paper listing all nominated candidates. The ballot paper will also indicate how many votes each elector may place. The electors will place a cross against the name of their preferred candidates up to the maximum permitted. As soon as he/she has done so, the elector will place the ballot paper in a box provided for that purpose.

The Returning Officer will place in the box all postal votes forwarded to him.

The votes will then be counted by persons selected by the Returning Officer at the offices of the Chief Executive of the Council or such other premises selected by the Returning Officer.

6. Candidates receiving the highest number of votes in descending order up to the total number of places to be filled will be declared to be elected to serve on the Community Council. Such declaration will be made by the Returning Officer in an advertisement in a local newspaper, or published in some other way as he/she thinks appropriate.
7. The Returning Officer will let each successful candidate know that he/she has been elected. Within 4 weeks of the election, the Returning Officer will convene the first meeting of each Community Council.

The Returning Officer will appoint an interim chair to chair the meeting until such time as an interim chair is formally elected. The election of chairman must be the first item on the agenda of the first meeting. The interim Chairman will hold office until the election of a Chairman at the Annual General Meeting of the Community Council. No election of office bearers will take place until after the appointment of any nominated members.

APPENDIX 2

Part 2

Community Councils

Procedure for Second and Subsequent Elections

1. Prior to the Second or any subsequent elections to a Community Council, the Community Council must appoint a Returning Officer in terms of their constitution. The Returning Officer may be a member of the Community Council who is leaving office at the election.

At least 5 weeks before the election, the Returning Officer will invite nominations and specify a closing date for receipt of nominations. The closing date must be at least 2 weeks before the date of the elections.

Nominations must be made by a proposer and seconder who must be electors for the area or division. The person nominated must accept the nomination in writing.

2. If the number of candidates is more than one half of the number of members to be elected but does not exceed the number of members to be elected for the area or division, no election will be held. On the day that the election was to have taken place, the candidates will be declared to be elected to the Community Council.
3. At least 10 days before the election, the Community Council will advertise in a local newspaper the time and place elections will be held. People who are unable to attend the relevant polling station will be invited in the advertisement to apply for a postal vote.

People entitled to vote, but who are not on the electoral roll for the Community Council area, will be invited to apply to have their names added on the Supplementary List of Community Council electors. This Supplementary List will be prepared by the Community Council. Only people with evidence of age and residence will be added on the list.

4. Where an election is necessary it will be held at a polling station or stations arranged for by the Community Council. The polling station or stations will be open between the hours of 8.00am and 8.00pm.
5. Electors, on entering the polling station, will have their names crossed off the relevant list and will receive a ballot paper listing all nominated candidates. The ballot paper will also indicate how many votes each elector may place. The electors will place a cross against the name of their preferred candidates up to the maximum permitted. As soon as he/she has done so, the elector will place the ballot paper in a box provided for that purpose.

The Returning Officer will place in the box all postal votes forwarded to him.

The votes will then be counted by persons selected by the Returning Officer at premises selected by him/her.

6. Candidates receiving the highest number of votes in descending order up to the total number of places to be filled will be declared to be elected to serve on the Community Council. Such declaration will be made by the Returning Officer in an advertisement in a local newspaper, or published in some other way as he/she thinks appropriate.
7. The Returning Officer will let each successful candidate know that he/she has been elected. Within one week of the election, the Returning Officer will convene a meeting of the Community Council.

The Returning Officer will appoint an interim chair to chair the meeting until such time as an interim chair is formally elected. The election of an interim chairman must be the first item on the agenda of the first meeting. The interim Chairman will hold office until the election of a Chairman at the Annual General Meeting of the Community Council. No election of office bearers will take place until after the appointment of any nominated members.

TIMETABLE FOR ELECTIONS
(indicative only - see Key)

INITIAL ELECTION (ORGANISED BY COUNCIL)

WEEKS	6	5	4	3	2	1	E L E C T I O N	1	2	3	4	5	6	
Activity (See Key)														
(1)														
(2)														
(3)														
(4)														
(5)														

ACTIVITY KEY

- (1) **Period from receipt of application from 20 voters to Council held election.**
- (2) **Nominations**
- (3) **Minimum Period of Advertising Election**
- (4) **Advertising of Result of Election**
- (5) **Period in which First Meeting is to be called.**

SECOND AND SUBSEQUENT ELECTIONS (ORGANISED BY COMMUNITY COUNCIL)

WEEKS	6	5	4	3	2	1	E L E C T I O N	1	2	3	4	5	6	
Activity (See Key)														
(1)														
(2)														
(3)														
(4)														

ACTIVITY KEY

- (1) **Nominations**
- (2) **Minimum Period for Advertising Elections**
- (3) **Advertising of Result of Elections**
- (4) **Period in which the first Meeting must be called**

APPENDIX 3

MATTERS TO BE INCLUDED IN COMMUNITY COUNCILS CONSTITUTIONS

Provision must be made for the following matters to be included in the constitution to be submitted by each Community Council.

NAME

OBJECTS

AREA OR DIVISION COVERED BY COMMUNITY COUNCIL

SIZE, COMPOSITION AND FUNCTIONS See paragraphs 1 and 2 and Appendix 1

ELECTION AND/OR APPOINTMENT OF MEMBERS See paragraphs 3, 4 and 7

APPOINTMENT OF RETURNING OFFICER (other than initial election) See paragraph 3 and Part 2 of Appendix 2

ELECTION AND DUTIES OF OFFICE-BEARERS See paragraph 7

POWER TO APPOINT COMMITTEES

ARRANGEMENTS FOR MEETINGS See paragraph 9

FINANCE AND ACCOUNTS See paragraphs 10 and 11

TITLE TO PROPERTY

ALTERATIONS TO CONSTITUTION See paragraph 13

DISSOLUTION CLAUSE See paragraph 14

PROVISION OF STANDING ORDERS

Failure to comply with the provisions of this Appendix will result in the withdrawal of financial assistance.