



**Scheme for the Establishment of  
Community Councils in Fife**

DRAFT

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## 1.0 Introduction

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- 1.1 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.
- 1.2 The role of community councils in Scotland was further strengthened by the Community Empowerment (Scotland) Act 2015 which identified them as community participation bodies.
- 1.3 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.

## 2.0 Statutory Purposes

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- 2.1 The statutory purposes of 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”.***

## 3.0 Roles and Responsibilities of Community Councils

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- 3.1 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. They complement the role of the local authority.
- 3.2 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 mechanisms, to validate their views and devise strategies to secure greater involvement by all sectors of the community.
- 3.3 Community councils have a statutory right to be consulted on planning applications. See Appendix 6.
- 3.4 Licensing matters and any other matters may also be jointly agreed between community councils, the local authority and other public sector and private agencies.
- 3.5 Community councils are statutory consultees in terms of section 21 of the Licensing (Scotland) Act 2005 and are consulted on all applications for provisional/premises licences and major variations to premises licences. They are also consulted on the development of the Licensing Policy Statement and any supplementary Licensing Policy Statement.

- 3.6 The Community Empowerment (Scotland) Act 2015 also provides statutory rights for community councils along with other community organisations. This includes Part 3 Participation Requests, Part 8 Common Good and Part 9 Allotments.
- 3.7 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 the Council's Scheme for the Establishment of Community Councils.
- 3.8 There should be mutual engagement in the establishment of working relationships with the local authority and other agencies.
- 3.9 Each community council is required to adopt a Constitution together with Standing Orders. This Scheme of Establishment will act as the Constitution for all community councils in Fife and should be adopted at the first meeting of the community council following an election.
- 3.10 Any changes a community council decides to make to their Constitution or Standing Orders will require approval of Fife Council and will be effective from the date of that approval until the next community council election.
- 3.11 Community councils should ensure that all members have access to the adopted Scheme, Constitution and Standing Orders.
- 3.12 A community council handles personal data therefore each community council is required to adhere to all relevant legislation. A community council is therefore required to register with the Information Commissioner's Office (ICO). Further guidance on this is available at [Information Commissioner's Office](#).
- 3.13 In carrying out their activities, community councils must adhere to the law, the terms of the Council's Scheme for the Establishment of Community Councils, Community Council Standing Orders and the Community Councillors' Code of Conduct.
- 3.14 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.
- 3.15 In order to fulfil their responsibilities as effective and representative, community councils shall:-
- (1) 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).
  - (2) Circulate agendas and draft minutes of community councils' meetings to community council members, relevant elected members and other interested parties. Draft minutes should be made available within 14 days of the meeting.
  - (3) Seek to broaden both representation and expertise by promoting the Associate Membership of the community council of persons for specific projects/issues.
  - (4) 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.

- (5) Maintain proper financial records and present financial reports at all community council meetings.
- (6) Provide the necessary annual accounts to Fife Council on applying for their annual grant. Where a community council has decided not to apply for their annual grant, submission of annual accounts along with the minute of the Annual General Meeting is still required.
- (7) Inform the local authority of any change in membership (resignations, Associate Membership, etc.) and circumstances, within one calendar month.
- (8) Create a generic email address which will be published allowing members of the public to contact them directly. The community council is also responsible for maintaining its own website/ social media platforms in line with guidelines.
- (9) Respond to enquiries and feedback from the community.

3.16 The community council will have regard to the impact on the environment of all its activities and will ensure, as far as possible, that any projects which it promotes or funds is in line with A Plan for Fife and opportunities to improve community resilience to climate impacts, such as flooding.

## **4.0 Community Council Areas in Fife**

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4.1 Fife Council has produced a list of named community councils and maps that define boundaries of the community council areas. See Appendix 1 to the Scheme.

### **Changes to Boundary Areas (outwith a Scheme review)**

- 4.2 Requests to merge community council boundary areas shall be submitted in writing to the Head of Legal and Democratic Services who will notify all affected community councils of the request. There will follow a public consultation period of 12 weeks.
- 4.3 Community councils should co-ordinate responses received during the consultation process and provide these comments to Fife Council and any affected community councils. Fife Council will act on behalf of any affected inactive community council during the consultation process.
- 4.4 Subsequently, each affected community council will be required to call a public meeting and vote by way of show of hands to approve any proposal. In the event that a public meeting cannot take place, the use of voting polls on social media will be permitted.
- 4.5 If all affected community councils approve the proposal, it will be formally submitted to Fife Council for consideration at a special meeting of Fife Council within 12 weeks of submission.
- 4.6 If there is no consensus to approve the proposal, it will be formally submitted to Fife Council for final determination at a special meeting of Fife Council within 12 weeks of submission.
- 4.7 The Head of Legal and Democratic Services will notify all affected community councils of the outcome following the special meeting of Fife Council.

## **5.0 Elections to Establish a Community Council**

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5.1 Ordinary Community Council elections will provide an opportunity for the establishment of all community councils in Fife.

- 5.2 Ordinary Community Council elections will be held for each community council area every four years, on a date set by Fife Council. Elections under this Scheme will be held by secret ballot of local electors, in accordance with Scottish Local Government Election rules but subject to modification and simplification as deemed necessary by the Returning Officer “the Community Council Election Rules”.
- 5.3 If, for any area a community council is not established at an ordinary election, then on receipt of a Petition bearing the names of 20 local residents (Electors) whose names appear on the Electoral Register, the community council will be established by method of an interim election, carried out under the Community Council Election Rules.
- 5.4 Electoral arrangements for the establishment of community councils are fully detailed within Appendix 7.

## **6.0 Membership of Community Councils**

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- 6.1 Members of the community council will be known as Community Councillors.
- 6.2 Membership of community councils is determined in accordance with the population of eligible voters (on the electoral roll) within the community council boundary area, as published by the National Records of Scotland (NRS).
- 6.3 Population figures for each community council area will only be reviewed and, where necessary, adjusted in advance of a community council ordinary election.
- 6.4 The maximum membership of community councils in Fife ranges from 6 to 20 members, depending on the population of the community council area. The population scale to calculate the maximum membership of community councils along with the population numbers and maximum membership of each community council is detailed at Appendix 2.
- 6.5 In order to operate, community councils must have a minimum number of members. The minimum number for each community council will be 50% of the maximum membership.
- 6.6 Eligibility criteria for members of the community council is as follows:-
- minimum age of 16 years of age;
  - residing in the community council area; and
  - named on the Electoral Register for the community council area.
- 6.7 Any community council member who no longer resides within that community council area is ineligible to remain a community councillor for that area.
- 6.8 Any individual who is elected to serve on the local authority (Fife 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.

### **Types of membership:**

- 6.9 **Elected Members** of a community council are those that are elected at an Ordinary Election in line with the required eligibility criteria as outlined at para. 6.6. Elected members will have full voting rights at meetings and will serve until the next regular election.

6.10 **Co-opted Members** of a community council are those who are elected on to the community council to fill vacancies between election periods. Co-opted members must be eligible for membership of the community council as detailed in para. 6.6. They must be elected on to the community council by a two-thirds majority of the elected community councillors present and voting. Such co-opted members shall have full voting rights, (except voting on co-option of members at the meeting that they are co-opted onto the community council) and will serve until the next round of elections. Notice of any proposed co-option of members is required to be intimated to all community council members at least 14 days prior to the meeting when the matter will be decided.

#### **Additional Membership:**

6.11 **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.

6.12 **Ex-officio Members** are local authority Councillors, MPs and MSPs whose wards or constituencies fall wholly or partly within the geographical area of the community council area. Ex-officio members shall have no voting rights on the community council and do not count towards the membership numbers of the community council.

6.13 Once a community council is established, at its next meeting, a maximum of two **Youth Members** between the ages of 16-18 can be appointed to represent the views of young people in the community area. Youth members must meet the eligibility criteria as set out at para. 6.6. These members shall be in addition to the total membership of each community council. They will have full voting rights and will be counted in terms of meeting a quorum. They will be appointed for a maximum term of two years or until the next ordinary election for community councils, whichever is sooner.

6.14 **Royal Burgh of St. Andrews Community Council.** In addition to members appointed as above, the Royal Burgh of St. Andrews Community Council will include three persons appointed by the Student Representative Council who are students at the University of St. Andrews and have been elected to the Student Representative Council. These members will have full voting rights and will be counted in terms of meeting a quorum. Appointments will be until the next community council ordinary elections.

## **7.0 Filling vacancies between elections**

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7.1 Vacancies on a community council may arise in the following circumstances: -

- (a) when an elected community council member submits their resignation;
- (b) when an elected community council member ceases to be resident within that community council area;
- (c) when an elected community council member has their membership disqualified;
- (d) on the death of an elected community council member; or
- (e) if a community council is operating on less than their maximum membership

7.2 In the event of vacancies occurring between elections, the community council will be entitled to fill these vacancies through the co-option of any person meeting the eligibility criteria detailed under para. 6.6. Co-opted members hold office as an elected member with voting rights until the next election.

- 7.3 A vacancy should be filled by any reasonable method, e.g. the community council holding a public meeting at which candidates have a chance to state their case before a ballot of community council members. The community council will make reasonable efforts to publicise any vacancy to allow all sectors of the community to be represented. In the event of vacancies occurring within three months before the date of the next ordinary' election, a community council may leave the vacancy unfilled until that election.
- 7.4 It is the community council's responsibility to advise Fife Council of any changes to its membership.

## **8.0 Equalities**

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- 8.1 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.
- 8.2 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.
- 8.3 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.

## **9.0 Disqualification of Membership**

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- 9.1 Membership of a community council is invalidated when an elected community council member ceases to be resident within that community council area.
- 9.2 If any member of a community council fails to attend a community council meeting, with or without submitting apologies, for a period of six months from the date of the last meeting attended, the community council may terminate their membership.
- 9.3 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.

## **10.0 Meetings**

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- 10.1 Community councils shall abide by the Scheme for the Establishment of Community Councils, Standing Orders (Appendix 3) and Code of Conduct (Appendix 4) and to ensure the proper conduct at meetings.
- 10.2 The notice of ordinary, annual general meetings and special meetings of the community council, featuring the date, time and venue, shall be publicly advertised and provided to each member at least 10 days before the date fixed for the meeting.

### **First (inaugural) Meeting**

- 10.3 The first (inaugural) 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 one calendar month of the date of the election, or as soon as practicable thereafter.



- 10.4 A representative appointed by Fife Council will act as Chair at the inaugural meeting until the Chair of the community council has been appointed.
- 10.5 The first item of business of that meeting will be to adopt the Scheme as the Constitution and Standing Orders.
- 10.6 The second item of business will be to appoint to the position of Chair. Once this position has been agreed, the responsibility of chairing the meeting will fall to the newly appointed Chair.
- 10.7 The final items of business will be to appoint the remaining office bearer roles (Vice-Chair (optional), Secretary and Treasurer).
- 10.8 No formal business of the newly established community council may take place until after the inaugural meeting has been held and office bearers appointed.

### **Ordinary Meetings**

- 10.9 Regular meetings of a community council are classed as ordinary meetings. The frequency of ordinary meetings will be determined by each community council, subject to a minimum of one Annual General Meeting (AGM) and four ordinary meetings being held each year.
- 10.10 Dates, times and venues of regular meetings shall be fixed at the first ordinary meeting of the community council following an election and thereafter at its Annual General Meeting.
- 10.11 Copies of all minutes of meetings of the community council and of committees thereof shall be approved at the next prescribed meeting of the community council but the draft minute shall be circulated within 14 days from the date of that meeting to community council members and other appropriate parties.
- 10.12 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. However, the Notice will record that the meeting, or a part thereof, shall be held in private.

### **Annual General Meeting**

- 10.13 The community council will hold an Annual General Meeting (AGM) prior to 30 of June each year, for the purpose of considering the Chair's annual report on the community council; to consider and approve the annual accounts for submission to Fife Council and the appointment/ reappointment of community council members to office bearer positions.

### **Special Meetings**

- 10.14 Outwith the schedule of ordinary meetings, a special meeting of a community council can be called in the following circumstances: -
  - (a) if the Chair agrees that the subject matter cannot be dealt with at the next ordinary meeting of the community council;
  - (b) at the request of not less than one half of the total number of community councillors;
  - (c) on receipt of a written request (petition), signed by at least 20 persons resident within the community council area, to convene a special meeting for a particular matter or matters; or
  - (d) at the discretion of an Officer of Fife Council.

- 10.15 A special meeting shall be held within four weeks of the receipt of the request made to the community council.

### **Committees of the Community Council**

- 10.16 The community council may form committees to consider specific matters and may arrange for the discharge of any of its functions by such a committee.
- 10.17 When a committee is established, details of the membership and terms of reference will be included in the minutes of the community council and a record kept of that remit publicly online.
- 10.18 If a committee is appointed to discharge any of the functions of the community council, a majority of the members of the committee will be elected members of the community council. Meetings of such committees will be open to the general public as observers.
- 10.19 Where a committee 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.
- 10.20 Minutes of the proceedings of any committee will be presented to the next meeting of the community council.
- 10.21 If the community council arranges to establish an informal working group, the purpose or remit of that Working Group should be noted in the formal community council minutes. An informal working group will not have decision making powers.

### **Quorum of Meetings**

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

### **Access to Meetings**

- 10.23 Community councils may decide to take an in-person, virtual or hybrid approach to their meetings and the platform to be used for any meeting is for the community council to decide.
- 10.24 Virtual meetings should facilitate the inclusion of members of the public.
- 10.25 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.
- 10.26 An agenda for the meeting shall be published by means agreed by the community council. All members of the community council and members of the public should be invited, in advance, to submit comments on any agenda item to the community council's generic email address or by other appropriate means. Any submitted comments 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 any meeting.
- 10.27 Minutes of the meeting and details of any decisions taken must be recorded, in writing, and made publicly available within 14 days of the meeting. Video or audio recording of meetings can only take place with the clear consent of all present, such consent should be recorded in the minutes.

- 10.28 An outline of 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, Appendix 3.

## **11.0 Liaison with Fife Council**

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- 11.1 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 to [community.councils@fife.gov.uk](mailto:community.councils@fife.gov.uk).
- 11.2 Community councils may make representations to Fife Council 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 Fife Council official. On issues where a local authority department is consulting with community councils, representations should be made to the appropriate departmental officer.

## **12.0 Resourcing a Community Council**

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### **Finances**

- 12.1 The Community Council will maintain proper financial records.
- 12.2 The Treasurer will present regular financial reports at scheduled Community Council meetings.
- 12.3 The financial year of each community council shall run from 1 April each year to 31 March in each succeeding year.
- 12.4 Each community council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.
- 12.5 Each community council shall be eligible to apply for grants for suitable projects through the local authority's grant system.
- 12.6 Local community groups will be eligible to apply to community councils for grants insofar as they meet the objectives of the community council and the community council funds permit.
- 12.7 In carrying out its duties, the community council will not incur any expenditure, in excess of the sum provided by way of any grant, unless funds to meet this additional expenditure have been raised by the community council separately.
- 12.8 All monies raised by or on behalf of the community council will be used to further the objectives of the community council and for no other purpose.
- 12.9 The community council will open an account in the name of the community council with a bank or building society.
- 12.10 Bank accounts (online and traditional) shall have a minimum of three bank signatories, usually from amongst the office bearers, of which any two can sign cheques or authorise payments on behalf of the Community Council. The Treasurer must be a bank signatory. Authorised signatories should not be co-habitees.

- 12.11 The Community Council are encouraged to operate online banking so that direct payments can be made rather than cheque payments. These can be operated using a two tier approval (where the bank allows) or by single transaction by the Treasurer once approval is given by email from another bank signatory (for auditing purposes). All financial transactions should be reported at each Community Council meeting.
- 12.12 Fife Council, 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.

### **Annual Administrative Grant**

- 12.13 Each community council will be awarded an annual administrative grant on submission and approval of a grant application, to assist with the operating costs of the community council. The grant can be used in the first instance to cover administration costs including:
- Auditor's fees
  - Stationery
  - Postage
  - Travel Costs
  - Accommodation lets for meetings
  - Bank charges
  - Advertising
  - General publicity and promotional materials
  - Consultation with the community
  - Financial assistance to local groups and projects within the community council area
- 12.14 The grant amount shall be fixed at a minimum flat rate of £400, with an additional payment of 12p per head of population.

### **Annual Accounts**

- 12.15 The annual accounts of a community council shall be independently examined by an examiner appointed by the community council, who is not a member of that community council.
- 12.16 The independently examined annual accounts should be signed by the Treasurer and presented to the Community Council's Annual General Meeting (AGM) for approval.
- 12.17 Following the AGM, the community council can proceed with applying to Fife Council for the annual administrative grant. The grant form, along with the approved accounts, a bank statement(s) detailing the closing balance as at 31 March and the minutes of the AGM, should be forwarded by email to Fife Council via [ccannualgrants@fife.gov.uk](mailto:ccannualgrants@fife.gov.uk). The grant application will then be considered by Fife Council.
- 12.18 The local authority will review the level of annual administrative grant and other support to community councils following each local government electoral cycle.

### **Training and Support**

- 12.19 The Council 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.

## **13.0 Liability of Community Council Members**

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- 13.1 Insurance is required for a community council to be operational. (*Current arrangements are under review.*)

## **14.0 Heritable Property**

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- 14.1 The community council may, with the consent of Fife Council, which consent will not be unreasonably withheld, acquire and hold heritable property, the title to which will be taken in the name of the Chair, Treasurer and Secretary for the time being as trustees for the Community Council and their respective successors in office.

## **15.0 Contracts**

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- 15.1 The community council will not enter into any agreement or contract with any party which extends for a period in excess of six months without the prior written consent of Fife Council.
- 15.2 Fife Council will not unreasonably withhold such consent and, in considering an application by the community council for such consent, will have regard among other things to:
- (a) the proposed period of the agreement or contract;
  - (b) the parties to the proposed agreement or contract;
  - (c) the financial and other obligations on any of the parties to the proposed agreement or contract; and
  - (d) the suitability of the subject matter of the proposed agreement or contract in relation to the purpose of the community council

## **16.0 Complaints**

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- 16.1 If a complaint is made by a member of the public against the community council or one of its members, the procedure outlined in Appendix 5 will apply.

## **17.0 Dissolution of a Community Council**

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- 17.1 Representations and/or decisions in reference to dissolution of a Community Council should be considered as a last resort and ideally to be avoided. All efforts should be taken in accordance with the Scheme to ensure that all Community Council members are included in exploring options which may avoid a Community Council being dissolved.
- 17.2 If the Community Council decides that it is advisable to dissolve the Community Council, it will call a public meeting, giving no less than 21 days' notice, stating the terms of the resolution to be proposed. If a decision is confirmed by two thirds majority of those present, the Community Council will, after payment of all debts and liabilities, transfer the assets to Fife Council to be held in trust for a future Community Council if established or to such other organisations as Fife Council may determine.
- 17.3 Should a community council fail to hold a meeting for a period of six months from the date of the last meeting, or its membership falls below the prescribed minimum for a period of six months (during which time the community council have taken action to address the situation), the local authority shall take action to dissolve that community council.

- 17.4 If the Community Council is found to be in breach of this Scheme or a complaint against the Community Council is upheld in accordance with the provisions in Appendix 5, a recommendation may be made to Fife Council that the Community Council is dissolved.
- 17.5 After dissolution of the Community Council, the former members must not engage in or use any media or social media purporting to be representatives of the Community Council.

## **18.0 Political Activities**

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- 18.1 The community council must not be party political. It must not take part in activities relating to sponsoring, endorsing or opposing the election of any candidate or party to the United Kingdom, Scottish Parliaments or local elections. This includes the community council being involved in any party-political issues. In determining whether the community council has breached the requirement to be non-party political, due regard will be taken of the actions of the community council, the time and other circumstances of the actions and the likely effect of the actions in relation to the public or part of it. In particular, the following matters will be considered:-
- (a) whether the actions of the community council refer to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not another; and
  - (b) where the community council supports a campaign that seeks to influence voters in favour of, or against, a particular political party or candidate.

## **19.0 Breach of the Scheme**

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- 19.1 Any failure to comply with this Scheme and associated documents and guidance may result in Fife Council taking action against the community council concerned. This can include the dissolution of the community council, withholding or pursuing the repayment of grant monies, or recovery of assets belonging to a dissolved community council.
- 19.2 Each breach of the Scheme will be dealt with on its own merits and investigated accordingly.

## **20.0 Review and Amendment of the Scheme**

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- 20.1 Fife Council, having regard to changing circumstances and to any representations made to it, shall from time to time review the Scheme and, where it considers that the Scheme ought to be amended, shall proceed in accordance with the procedure specified in Section 53 of the Local Government (Scotland) Act 1973, as amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981.

## Additional Information Resources:

- Scottish Community Councils (organisation) [www.communitycouncils.scot](http://www.communitycouncils.scot)
- Scottish Government – Community Empowerment: Community Councils <https://www.gov.scot/policies/community-empowerment/community-councils>
- Improvement Service <https://www.improvementservice.org.uk/>
- Scottish Public Services Ombudsman – Complaints Handling Practice Guide [https://www2.spsso.org.uk/sites/spso/files/csa/DealingWithProblemBehaviour\\_SPSOGuideUpdated.pdf](https://www2.spsso.org.uk/sites/spso/files/csa/DealingWithProblemBehaviour_SPSOGuideUpdated.pdf)
- Data Protection [Data protection | Fife Council](#)
- Data Protection Officer contact [dataprotection@fife.gov.uk](mailto:dataprotection@fife.gov.uk)
- Information Commissioner's Office [Information Commissioner's Office](#)
- A plan for Fife [Plan for Fife | Fife Council](#)

## Glossary of Terms

### **Associate Member**

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.

### **Chair**

Responsible for chairing meetings and ensuring that the meeting runs well. Responsible for ensuring that discussions are productive whilst adhering to the agenda, that meetings run to time and that clear action points are set. Lead and assist the other office bearers and community councillors. Close liaison with other office-bearers. May often be the designated spokesperson/media contact. Has the casting vote in event of an equality of votes being cast except where the matter which is the subject of the vote relates to the appointment of a member of the community council to any particular office or Committee, in which case the decision shall be by lot.

May be an authorised signatory. Can authorise the holding of a special meeting.

### **Committees**

Committees may be formed either to discharge a specific function of the community council (such as dealing with consultations on planning applications) or to consider a topic on a one-off basis. Depending on the remit, the committee may or may not have delegated authority to make decisions. The community council minutes must detail the membership and remit, including the extent of their authority, of any established committees. Minutes of the proceedings of any committee will be presented to the next meeting of the community council, either for noting or approval dependent upon the delegation to the committee. Where the committee is making decisions, the meetings will require to be held in public.

### **Constitution**

A written document setting out the aims and purposes of an organisation and how it is governed.

### **Co-opted Members**

Co-opted members are those who are elected to the community council to fill vacancies between election periods. Co-opted members must be eligible for membership of the community council as detailed in Section 6.6. They must be elected to the community council by a two-thirds majority of the elected community councillors present and voting. Such co-opted members shall have full voting rights, (except voting on co-option of members at the meeting that they are co-opted onto the community council), and will serve until the next round of elections. Notice of any proposed co-option of members is required to be intimated to all community council's members at least 14 days prior to the meeting when the matter will be decided.

### **Declaration of Acceptance**

Every Community Councillor requires to complete and sign a declaration accepting the office of community councillor and



undertaking to fulfil the duties to the best of their ability and to meet the code of conduct in Appendix 4 to this Scheme.

<b>Elected Member</b>	A person who is elected at an Ordinary Election in line with the required eligibility criteria as outlined at Section 6.6. Elected Members will have full voting rights at meetings and will serve until the next ordinary election.
<b>Ex-officio Members</b>	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 and do not count towards the membership numbers of the community council.
<b>Heritable Property</b>	Assets, such as land or buildings, which are fixed and cannot be moved.
<b>Interim Elections</b>	An election organised by the local authority between ordinary elections usually to enable the establishment of a community council not previously established at the ordinary elections.
<b>Office Bearer</b>	A person with a specific role within the community council, such as Chair, Vice Chair, Secretary and Treasurer.
<b>Ordinary Election</b>	An election organised by the local authority to appoint members to community councils within Fife, arranged on a rolling 4-yearly basis.
<b>Petition</b>	A written request to ask an organisation to do something. It must be signed by at least 20 Electors.
<b>Quorum</b>	The minimum number of elected members who must be present to enable the community council to make decisions. 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
<b>The Scheme</b>	<u>Scheme for the Establishment of Community Councils in Fife</u> - This document provides a minimum framework governing the establishment and operation of community councils in Fife
<b>Secretary</b>	Manages correspondence on behalf of the community council. In consultation with the Chair, will ensure meeting venues are organised, invite items for the agenda, set the agenda and issue, publicise the meeting; minute the meeting ensuring that a record of attendees (community councillors and Fife Councillors) is documented as well as all decisions; circulate/publicise minutes, ensuring any follow up actions are progressed. Maintain records of office bearers and membership and ensure that the Local Authority are advised of any change in membership timeously. May be an authorised signatory.
<b>Standing Orders</b>	The rules which determine how the meetings and business of the community council will be conducted.
<b>Treasurer</b>	Deals with all the finances of the community council in line with the financial guidelines. Is an authorised signatory on the community council bank account(s). Has secure procedures in place for the administration of all monies and keeps accurate financial records

as set out in the financial guidelines. Submits regular financial reports to the community council. Applies for the Annual Grant available from the Local Authority. Prepares annual accounts for independent examination in line with the financial guidelines and leads on funding applications.

**Vice-Chair**

Stands in for the Chair when unable to attend a meeting.

**Youth Member**

Established community councils can appoint a maximum of two **Youth Members** between the ages of 16-18 to represent the views of young people in the community area. Youth members must meet the eligibility criteria as set out at section 6.6. These members shall be in addition to the total membership of each community council. They will have full voting rights and will be counted in terms of meeting a quorum. They will be appointed for a maximum term of two-years or until the next ordinary election for community councils.

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## List of Community Councils in Fife and Boundary Map

Ward No.	Community Council	Map Reference
4	Abbeyview (Dunfermline South)	26
16	Abdie and Dunbog	90
6	Aberdour	35
15	Auchmuty/Woodside (Glenrothes)	50
16	Auchtermuchty and Strathmiglo (Auchtermuchty, Strathmiglo, Gateside and Dunshalt)	87
9	Auchtertool	36
17	Balmerino, Gauldry, Kilmany and Logie	101
17	Balmullo	97
2	Bellyeoman (Dunfermline North)	23
8	Benarty	13
11	Bennochty and Hayfield	42
1	Blairhall	4
19	Boarhills and Dunino	75
22	Buckhaven and Denbeath	59
9	Burntisland	37
1	Cairneyhill	9
19	Cameron	78
8	Cardenden	46
19	Carnbee and Arncroach	72
1	Carnock and Gowkhall	10
3	Central Dunfermline	24
20	Ceres & District	79A
5	Charlestown, Limekilns and Pattiesmuir	29
22	Coaltown of Wemyss	56
19	Colinsburgh and Kilconquhar	67
16	Collessie	88

**Appendix 1**

<b>Ward No.</b>	<b>Community Council</b>	<b>Map Reference</b>
7	Cowdenbeath	16
16	Creich and Flisk (Flisk, Brunton, Luthrie and Carphin/Parbroath)	91
5	Crombie	7
3	Crossford	8
7	Crossgates and Mossgreen	33
1	Culross	2
20	Cults	83
20	Dairsie	95
6	Dalgety Bay and Hillend	34
12	Dysart	44
22	East Wemyss and McDuff	58
19	Elie and Royal Burgh of Earlsferry	68
16	Freuchie	85
16	Giffordtown and District	82
13	Glenwood (Glenrothes West)	47
17	Guardbridge and District	96
3	Halbeath & Duloch	18
2	Headwell (Dunfermline North)	22
1	High Valleyfield	3A
7	Hill of Beath	17
6	Inverkeithing	32
3	Izatt Avenue Area and Netherton (Dunfermline Central)	28
7	Kelty	12
20	Kemback, Pitscottie & Blebo	79B
21	Kennoway	64
19	Kettle	84
1	Kincardine	1
13	Kinglassie	46A

## Appendix 1

Ward No.	Community Council	Map Reference
19	Kingsbarns	74
2	Kingseat	19
12	Kirkcaldy East	43
10	Kirkcaldy North	41
9	Kirkcaldy West	39
21	Largo Area	65
19	Largoward and District	66
14	Leslie	52
17	Leuchars	98
21	Leven	62
8	Lochgelly	14
1	Low Valleyfield	3B
7	Lumphinnans	15
14	Markinch	53
22	Methil	61
22	Methilhill	60
2	Milesmark and Baldrige (Dunfermline)	21A
14/15	Milton and Coaltown of Balgonie	55
16	Monimail	93
16	Moonzie	92
16	Newburgh	89
17	Newport, Wormit and Forgan	100
14	North Glenrothes	51
6	North Queensferry	31
1	Oakley & Comrie	5
15/13/15	Pitteuchar, Finglassie and Stenton (Glenrothes)	49
5	Rosyth	30
19	Royal Burgh of Crail and District	73
20	Royal Burgh of Cupar and District	94
16	Royal Burgh of Falkland and Newton of Falkland	86

**Appendix 1**

<b>Ward No.</b>	<b>Community Council</b>	<b>Map Reference</b>
19	Royal Burgh of Kilrenny and Anstruther, and of Cellardyke	71
9	Royal Burgh of Kinghorn	38
16	Royal Burgh of Ladybank and District	81
19	Royal Burgh of Pittenweem and District	70
18	Royal Burgh of St. Andrews	76
1	Saline and Steelend	11
4	South Dunfermline (formerly Pitcorthie)	27
13	South Parks and Rimpleton (Glenrothes)	48
20	Springfield	80
19	St Monans, Abercrombie and District	69
14	Star of Markinch	54
18	Strathkinness	77
17	Tayport Ferryport-on-Craig	99
10	Templehall	40
15	Thornton	45
1	Torryburn & Newmills	6
3	Touch and Garvock (Dunfermline Central)	25
2	Townhill (Dunfermline North)	20
2	Wellwood (Dunfermline North)	21B
22	West Wemyss	57
21	Windygates	63



## Population scale to calculate membership of community councils:

Maximum Elected Membership	Population
6	500 or less
8	501 - 1,000
9	1,001 - 2,000
10	2,001 - 3,000
11	3,001 - 4,000
12	4,001 - 5,000
13	5,001 - 6,000
15	6,001 - 7,000
16	7,001 - 8,000
17	8,001 - 9,000
18	9,001 - 10,000
19	10,001 - 11,000
20	11,000 or more

Guidelines for Elected Membership – determined in accordance with population, allowing for exceptions to suit local circumstances (exceptions are indicated by \* in table 1) (*Consultation with community councils on going as part of the review*).



**Table 1 – Population Figures and Maximum Elected Membership of Community Councils**

Guidelines for Elected Membership – determined in accordance with population, allowing for exceptions to suit local circumstances (exceptions are indicated by \* in table 1 and consultation with community councils on going as part of the review).

Ward No.	Community Council	Maximum Elected Membership	Population as per 2021 Small Area Population Estimates (SAPE)
4	Abbeyview (Dunfermline South)	16	7389
16	Abdie and Dunbog	8	514
6	Aberdour	9	1890
15	Auchmuty/Woodside (Glenrothes)	15	6549
16	Auchtermuchty and Strathmiglo* Auchtermuchty Strathmiglo Gateside Dunshalt	11	3927
9	Auchtertool	8	515
17	Balmerino, Gauldry, Kilmany and Logie	9	1391
17	Balmullo	9	1627
2	Bellyeoman (Dunfermline North)	12	4120
8	Benarty	13	5730
11	Bennochty and Hayfield	18	9980
1	Blairhall	9	1103
19	Boarhills and Dunino	6	387
22	Buckhaven and Denbeath	12	4661
9	Burntisland	15	6894
1	Cairneyhill	10	2395
19	Cameron	8	798
8	Cardenden	15	6297
19	Carnbee and Arncroach	6	450
1	Carnock and Gowkhall	9	1329

## Appendix 2

Ward No.	Community Council	Maximum Elected Membership	Population as per 2021 Small Area Population Estimates (SAPE)
3	Central Dunfermline	15	6618
20	Ceres & District	9	1576
5	Charlestown, Limekilns and Pattiesmuir	9	1715
22	Coaltown of Wemyss	8	679
19	Colinsburgh and Kilconquhar	8	712
16	Collessie	6	150
7	Cowdenbeath	19	10706
16	Creich and Flisk* Flisk Brunton Luthrie Carphin/Parbroath	6	287
5	Crombie	6	469
3	Crossford	10	2383
7	Crossgates and Mossgreen	10	2890
1	Culross	6	446
20	Cults	8	524
20	Dairsie	8	738
6	Dalgety Bay and Hillend	18	9961
12	Dysart	10	2452
22	East Wemyss and McDuff	10	2169
19	Elie and Royal Burgh of Earlsferry	8	739
16	Freuchie	9	1392
16	Giffordtown and District	6	207
13	Glenwood (Glenrothes West)	15	6986
17	Guardbridge and District	8	749
3	Halbeath & Duloch	19	10260
2	Headwell (Dunfermline North)	11	3619

## Appendix 2

<b>Ward No.</b>	<b>Community Council</b>	<b>Maximum Elected Membership</b>	<b>Population as per 2021 Small Area Population Estimates (SAPE)</b>
1	High Valleyfield	9	1737
7	Hill of Beath	9	1034
6	Inverkeithing	13	5034
3	Izatt Avenue Area and Netherton (Dunfermline Central)	9	1760
7	Kelty	15	6899
20	Kemback, Pitscottie & Blebo	8	587
21	Kennoway	12	4899
19	Kettle	9	1427
1	Kincardine	11	3220
13	Kinglassie	9	1976
19	Kingsbarns	6	477
2	Kingseat	8	777
12	Kirkcaldy East	18	9961
10	Kirkcaldy North	15	6206
9	Kirkcaldy West	20	11084
21	Largo Area	11	3193
19	Largoward and District	6	420
14	Leslie	11	3129
17	Leuchars	11	3595
21	Leven	18	9305
8	Lochgelly	16	7081
1	Low Valleyfield	6	135
7	Lumphinnans	8	828
14	Markinch	11	3649
22	Methil	17	8756
22	Methilhill	9	1624
2	Milesmark and Baldrige (Dunfermline)	15	6563

## Appendix 2

<b>Ward No.</b>	<b>Community Council</b>	<b>Maximum Elected Membership</b>	<b>Population as per 2021 Small Area Population Estimates (SAPE)</b>
14/15	Milton and Coaltown of Balgonie	9	1432
16	Monimail	6	418
16	Moonzie	6	53
16	Newburgh	10	2188
17	Newport, Wormit and Forgan	12	4508
14	North Glenrothes	19	10684
6	North Queensferry	9	1072
1	Oakley & Comrie	11	3168
15/13/1 5	Pitteuchar, Finglassie and Stenton (Glenrothes)	16	7864
5	Rosyth	20	13374
19	Royal Burgh of Crail and District	9	187 7
20	Royal Burgh of Cupar and District	18	9617
16	Royal Burgh of Falkland and Newton of Falkland*	9	1454
19	Royal Burgh of Kilrenny and Anstruther, and of Cellardyke	12	4238
9	Royal Burgh of Kinghorn	10	2942
16	Royal Burgh of Ladybank and District	9	1543
19	Royal Burgh of Pittenweem and District	9	1469
18	Royal Burgh of St. Andrews	20	17096
1	Saline and Steelend	10	2109
4	South Dunfermline (formerly Pitcorthie)	18	9324
13	South Parks and Ribleton (Glenrothes)	12	4829
20	Springfield	9	1379

## Appendix 2

<b>Ward No.</b>	<b>Community Council</b>	<b>Maximum Elected Membership</b>	<b>Population as per 2021 Small Area Population Estimates (SAPE)</b>
19	St Monans, Abercrombie and District	9	1164
14	Star of Markinch	8	501
18	Strathkinness	9	1045
17	Tayport Ferryport-on-Craig	12	4207
10	Templehall	19	10549
15	Thornton	10	2253
1	Torryburn & Newmills	9	1278
3	Touch and Garvock (Dunfermline Central)	13	5156
2	Townhill (Dunfermline North)	9	1316
2	Wellwood (Dunfermline North)	8	608
22	West Wemyss	6	305
21	Windygates	9	1975

## Model Standing Orders

### 1.0 Meetings (all held in public)

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- 1.1 The frequency of meetings will be determined by each community council, subject to a minimum of one Annual General Meeting (AGM) and four ordinary meetings being held each year.
- 1.2 Dates, times and venues of ordinary meetings shall be fixed at the first ordinary meeting of the community council, following an election and thereafter at its AGM.
- 1.3 The AGM will consider and approve the examined financial accounts for submission to Fife Council and must be held prior to 30 June each year.
- 1.4 The notice of ordinary, annual general meetings and special meetings of the community council, featuring the date, time and venue, shall be provided to every community council member and the local authority by the Secretary at least 10 days before the date fixed for the meeting.
- 1.5 In an election year, the community council will hold an inaugural meeting within one calendar month from the date of the election.
- 1.6 Special meetings may be called at any time on the instructions of the Chair, on receipt of a request from not less than half of the total number of community councillors or if requested to do so in writing by 20 residents in the community council area. A special meeting shall be held within four weeks of the receipt of the request.

### 2.0 Chairing of Meetings

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- 2.1 The Chair shall be responsible for the general conduct of the meetings and shall, among other things:-
  - (a) preserve order and ensure that every community council member has a fair hearing;
  - (b) decide on all matters of order, competency and relevancy; and
  - (c) determine all questions of procedure in reference to which no express provision is made in legislation or under these Standing Orders.
- 2.2 The ruling of the Chair on all matters within their jurisdiction is final.
- 2.3 In the case of an equality of votes at any meeting of the community council, the Chair, or in their absence, the Vice-Chair, shall have a second or casting vote, except where the matter which is the subject of the vote relates to the appointment of a member of the community council to any particular office or Committee, in which case the decision shall be by lot.

### 3.0 Declarations of Interest

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- 3.1 The rules on declaration of interest are intended to produce transparency regarding interests which might influence, or be thought to influence, the actions of a community councillor.
- 3.2 A community councillor will declare their interest as early as possible in meetings. All declarations of interest must be formally minuted.

- 3.3 Where a community councillor has declared an interest, at the appropriate time, they must withdraw from the meeting. They must not participate in any way in those parts of meetings where they have declared an interest.

### 4.0 General Conduct at Meetings

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- 4.1 The Chair, or in their absence, the Vice-Chair, shall take the chair. In the absence of the Chair and Vice-Chair, the members present shall appoint one of the members to take the Chair for the meeting.
- 4.2 Every member of the community council shall address the Chair.
- 4.3 The Chair shall be heard without interruption.
- 4.4 If any member of the community council disregards the authority of the Chair, or is guilty of obstructive or offensive conduct, a motion may be moved and seconded to suspend the member for the remainder of the meeting; the motion shall be put without discussion and, if carried, such member shall then immediately leave the meeting.
- 4.5 The Chair shall be entitled, in the event of any disorder arising, to adjourn the meeting to a date/time they may then or afterwards fix.

### 5.0 Quorum

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- 5.1 A quorum shall be one-third of the current voting membership of the community council, or three voting members, whichever is the greater.
- 5.2 If a quorum of members is not present, the Chair shall adjourn the meeting for 15 minutes and, after this time has passed, the Chair shall close the meeting if a quorum is still not present.
- 5.3 No business of the community council shall be transacted at a meeting unless a quorum of voting members is present.

### 6.0 Order of Business

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#### Ordinary Meeting

- 6.1 The order of business at every ordinary meeting of the community council shall be as follows:-
- (a) recording of membership present and apologies received;
  - (b) declarations of interest;
  - (c) the minutes of the last meeting of the community council shall be submitted for approval (include minutes of committees of the community council if applicable);
  - (d) any other item of business, which the Chair has directed, should be considered;
  - (e) any other competent business;
  - (f) questions from the floor; and
  - (g) Chair to declare date of next meeting and close the meeting.

#### Annual General Meeting

- 6.2 It will not be uncommon that the community council has arranged for an ordinary meeting to begin at the close of the annual general meeting, to enable any outstanding reporting on business matters to be heard; and for community council members and the public to have an opportunity to bring matters to the attention of the community council, possibly for inclusion on a future agenda.

6.3 The order of business at every annual general meeting of the community council shall be as follows:-

- (a) recording of membership present and apologies received;
- (b) declarations of interest;
- (c) the minutes of the last annual general meeting of the community council shall be submitted for adoption;
- (d) Chair's Annual Report (and questions from the floor);
- (e) Treasurer's submission of Annual Accounts duly independently examined and certified correct (and questions from the floor);
- (f) demit of current office bearers/election of new office bearers; and
- (g) Chair to declare date of next annual general meeting and close meeting.

### **Special Meeting**

6.4 The order of business at every special meeting of the community council shall be as follows:-

- (a) recording of membership present and apologies received;
- (b) declarations of interest;
- (c) business for debate, as described in the calling notice for the special meeting; and
- (d) Chair to close meeting.

## **7.0 Order of Debate**

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7.1 At meetings of the community council, the Chair shall:-

- (a) determine the order, relevancy and competency of all questions arising from members of the community council, and their ruling shall be final and will not be open to discussion;
- (b) determine the order, relevancy and competency of questions arising from the public in attendance at meetings (raised under questions from the floor in respect of order of business);
- (c) in determining the order, relevance and competency of business and questions have particular regard to the relevance of the issue to the community and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner; and
- (d) have the power, in the event of disorder arising at any meeting, to adjourn the meeting to a date/time they may then, or afterwards, fix.

7.2 Every motion or amendment shall be moved and seconded.

7.3 After a mover of a motion has been called on by the Chair to reply, no other members shall speak to the question.

7.4 A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.

7.5 A motion or amendment which is contrary to a previous decision of the community council shall not be competent within six months of that decision.

## **8.0 Voting**

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8.1 Voting shall be taken by a show of hands of those present and eligible to vote.

8.2 The Chair of the meeting shall have a casting vote as well as a deliberative vote



### **9.0 Minutes**

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- 9.1 Minutes of the proceedings of a meeting of the community council shall be prepared within 14 days from the date of that meeting and distributed in accordance with paragraph 10.20 of the Scheme for the Establishment of Community Councils. Following approval, at the next meeting of the community council, the minutes should be signed by the Chair and retained for future reference.

### **10.0 Alteration of Standing Orders**

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- 10.1 A proposal to alter these Standing Orders may be proposed to the local authority at any time by the community council, provided that notice of motion to that effect is given at the meeting of the community council previous to that at which the motion is discussed. The local authority shall have final discretion on any proposed change.

### **11.0 Suspension of Standing Orders**

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- 11.1 These Standing Orders shall not be suspended except at a meeting at which three-quarters of the total number of community council members are present and then only if the mover states the object of their motion and if two-thirds of the community council members present agree to such suspension.

# Code of Conduct for Community Councillors

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.

Community councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles shall apply to all community councillors and those representing the community council. These principles are as follows:

1. Service to the Community (Public Service)
2. Selflessness
3. Integrity
4. Objectivity
5. Accountability and Stewardship
6. Openness
7. Honesty
8. Leadership
9. Respect

## 1. Service to the Community

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- 1.1 As a community councillor, you have a duty to act in the interests of the local community which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Council's Scheme for the Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.
- 1.2 You have a duty to establish and reflect, through the community council, the views of the community as a whole, on any issue, irrespective of personal opinion.
- 1.3 You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. email address, website, social media channels, suggestion boxes, community surveys and opinion polls should, where possible, be made available.

## 2. Selflessness

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

## 3.0 Integrity

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- 3.1 You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the community council, you have a duty to declare this and, if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

- 3.2 You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the community council.

### **4.0 Objectivity**

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- 4.1 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.
- 4.2 You may be appointed or nominated by your community council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.
- 4.3 You are free to have political and/or religious affiliations, however, you must ensure that you represent the interests of your community and community council and not the interests of a particular political party or other group.

### **5.0 Accountability and Stewardship**

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

### **6.0 Openness**

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- 6.1 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.
- 6.2 If you have dealings with the press, members of the public, including through social media channels, or others not directly involved in your community council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the community council.

### 7.0 Honesty

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

### 8.0 Leadership

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- 8.1 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 community council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.
- 8.2 You should act to assist the community council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas, you should help to ensure that the community council is aware of them.

### 9.0 Respect

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- 9.1 You must respect fellow members of your community council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person you have dealings with, in your capacity as a community councillor, regardless of their position.
- 9.2 Recognition should be given to the contribution of everyone participating in the work of the community council. You must comply with equalities legislation, including the [Equality Act 2010](#), and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.
- 9.3 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.

# Consultation with Community Councils on Planning Applications

The following consultation arrangements/detail meets Fife Council's statutory duty in terms of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and the Planning (Scotland) Act 2019.

Community Councils have a key role in consultation on planning applications.

Community Councils will be consulted on the submission of planning applications for proposed developments that are categorised as being of national or major scale or of significance to the community. Community Councillors may also be invited to attend events held by applicants to inform members of the community about the development proposed prior to submission of a planning application. Community Councils may also request to be consulted on specific applications once the application has been submitted.

Once a planning application is submitted, it will be recorded on the weekly list of applications and the e-planning website compiled by the planning authority and made available to Community Councils. If the Community Council wishes to be consulted on an application not directly referred to it by the planning team, it must timeously contact the planning officer concerned.

To support Community Councillors in this role, the Council will make efforts to brief Community Councillors on new planning legislation when it is enacted. Community Councillors should make themselves available to attend such training sessions where reasonably possible.

### Sequence of Events:

- (1) All Community Councils are sent a weekly list of all planning applications.
- (2) Where the Community Council is a statutory consultee, i.e. where the development could affect the amenity in the area of the Community Council, they will be consulted directly. Where they are not deemed to be a statutory consultee, they can request formal consultation within seven working days of the issuing date of the weekly list.
- (3) Following a formal request, a minimum 14 day consultation period is initiated, beginning on the date of issue of the application details.
- (4) Copies of the relevant plans and forms can be accessed by Community Councils via the Fife Council web page - [Link to Planning applications | Fife Council](#). The 'Planning Applications Online' system also provides the opportunity for Community Councils to register a geographical area of interest and receive notification by email of all applications submitted within that area.
- (5) The case officer is identified on the weekly list to assist the Community Council, e.g. for further discussion or information.

- (6) Community Councils are also informed whether the planning application will be considered by the Area Planning Committee or whether it is an application which could be determined under powers delegated to officials.
- (7) Informal consultation and discussion may also take place with appropriate Council officers if requested by the Community Council or if considered necessary by Economy, Planning and Employability Service.
- (8) Community Councils may be asked by the applicant to participate in pre-application consultation before the submission of a planning application for national or major development. The pre-application consultation will comprise a minimum period of 12 weeks community engagement which must include at least one public event.
- (9) A Community Council which covers an area within or immediately adjoining a site of a major or national application in Fife will be advised that a proposal of application notice has been submitted. This notice and the subsequent application will also appear in the Weekly List of Applications.
- (10) It is the role of Community Councils to consult the wider community on planning issues which affect them to the extent to which it is feasible within the resources of the Community Council.

The above consultation procedure is the minimum level of service provided. In some instances, specific consultation arrangements may be agreed with individual Community Councils to suit their particular requirements.

# Complaints Process

## 1.0 Introduction

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- 1.1 There will be occasions when complaints are made about decisions taken or action not taken by community councils. Community councils may also receive complaints about the conduct or behaviour of its members. This procedure is not for managing internal disputes between Community Council members but for complaints received from members of the public.
- 1.2 These guidelines will help community councils to deal with complaints openly and consistently. The complaints procedure is an opportunity for lessons to be learned and practices to be improved. In the majority of cases, the outcome will be advice about a way forward or support to improve processes.
- 1.3 It should be noted that Fife Council has its own process for dealing with complaints by members of the public relating to its decisions, services and officers  
<https://www.fife.gov.uk/kb/docs/articles/have-your-say2/make-a-complaint>.

## 2.0 What is a complaint?

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- 2.1 A Community Council complaint is an expression of dissatisfaction or concern relating to the actions of a Community Council or its members and must relate to an alleged breach of the Standards of Conduct for Community Councillors.
- 2.2 Complaints will be submitted to the relevant Community Council, in the first instance. This may be about the conduct, standard of service, actions or lack of action by a Community Council or its members.
- 2.3 Complaints relating to allegations of criminal activity will be passed to Police Scotland.

## 3.0 Who can complain?

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- 3.1 Any member of the public affected by the actions and decisions of a Community Council or one or more of its members, can make a complaint. A complainant may nominate a third-party representative to make a complaint on their behalf.
- 3.2 More than one complaint about the same incident or issue will be considered together.
- 3.3 Anonymous complaints are not generally accepted as they can be difficult to investigate fully. However, if the complaint relates to a sensitive incident or issue, the name of the complainant may be withheld, at their request.

## 4.0 What can I complain about?

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- 4.1 A member of public can complain about matters such as:
  - (a) treatment by, or attitude of, a Community Councillor when dealing with a Community Council issue;
  - (b) breaches of the Scheme for the Establishment of Community Councils;
  - (c) breaches in confidentiality;
  - (d) misuse of social media, email or letters for the purpose of personal and/or financial gain;

- (e) discrimination, for example on the grounds of race, gender, disability, age, sexual or religious orientation; or
- (f) bringing the Community Council into disrepute.

### **What can't I complain about?**

There are some matters Community Councils can't deal with, these being:

- (a) decisions of Fife Council;
- (b) complaints regarding Fife Council services or officers; or
- (c) request for compensation on a decision the Community Council has made;

### **A complaint is not:**

- (a) an issue that is in court or has already been heard by a court or a tribunal;
- (b) a disagreement with a properly taken decision;
- (c) an attempt to reopen a previously concluded complaint or to have a complaint reconsidered, where a final decision has been reached; or
- (d) complaints being dealt with by insurers.

(This list is not exhaustive)

## **5.0 The complaint handling process**

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- 5.1 Community Councils should aim to resolve complaints quickly at the time they are made. This could mean an explanation or, where appropriate, an apology if something has clearly gone wrong. And, in such cases, the guidance provided by the SPSO should be followed [Model Complaints Handling Process.pdf \(spso.org.uk\)](https://www.spsos.org.uk/Model%20Complaints%20Handling%20Process.pdf).
- 5.2 The community council will also take steps to try to prevent such a problem from happening again.
- 5.3 A complaint can be made in writing or by email to the Chair, Secretary or Treasurer. If the complaint is about an office-bearer, they should not handle the complaint and another member of the community council should be identified to handle the complaint.
- 5.4 Complaint responses must always be signed off by two community council members.

## **6.0 Information to include in a complaint**

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- 6.1 When complaining to a Community Council, the following should be included:
  - (a) complainant's full name and address, including an e-mail address if possible;
  - (b) details of the complaint and what provisions of the code of conduct have been breached; and
  - (c) what outcome the individual hopes to achieve.

## **7.0 Timescale for making a complaint**

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- 7.1 Complaints can be accepted within six months of the matter that is being complained about. In exceptional circumstances, the Community Council may accept a complaint after the time limit, if adequate reasons are provided for doing so. This will be entirely at the discretion of the Community Council involved.



### 8.0 Handling complaints

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- 8.1 On receipt of a complaint, the Community Council should:
- (a) check that the complaint has been made within six months of the event occurring; and
  - (b) check that the complaint is competent, i.e. is not spurious or vexatious and is related to a matter within the remit of the community council to determine.
- 8.2 Complaints that fail these checks should be dismissed immediately by the community council. A written response should be sent within **five days** of receipt of the complaint, advising that the complaint was not deemed valid because (a) it was not made timeously; and/or (b) it was not competent and provide reasons for this decision.
- 8.3 The Community Council Complaints Procedure provides two opportunities for resolving complaints:-
- **Stage 1 - Frontline Resolution** - for complaints where something has clearly gone wrong and a swift apology is required; and
  - **Stage 2 - Investigation by the Community Council** for complaints that are more complex and require further investigation to determine the facts, where more than one issue is being investigated or where frontline resolution has failed.
- 8.4 Where a complaint is made against a Community Council, rather than an individual community councillor, it may, in certain circumstances, be possible to refer the matter to a **Panel of members comprised of members from other community councils**.

### Stage 1 – Frontline Resolution

#### Process

The complaint should be acknowledged in writing within **five working days** and an expected response timescale provided. The complaint should be passed to the Chair, or another appropriate officer bearer (if the complaint relates to the Chair).

The Chair, in consultation with another office bearer of the community council, will fully consider the terms of the complaint, seeking additional information, as required, and determine whether to uphold or not uphold the complaint.

Where it is determined that: -

- (1) the complaint **is not upheld**, the matter will be noted and no further action will be taken. The complainant will be written to/emailed with a response within **ten working days**.
- (2) Where it is determined that the complaint **is upheld**, action will be taken to address and resolve the complaint. This may be an explanation of the circumstances, an apology or where necessary, a referral to Stage 2 of the complaints process. The complainant will be written to/emailed with a response within **ten working days**

If the complainant is unhappy with the response at Stage 1, they can ask that the complaint is considered at Stage 2 by contacting the Community Council and providing reasons. The Community Council in consultation with the complainant may suggest further action to resolve the complaint before progressing to Stage 2.

If the complaint is complex and requires a more detailed investigation, it will be escalated immediately to Stage 2 of the complaints process. The complainant should be notified of this within five working days.

### **Frontline Resolution - Possible outcomes**

**Complaint not upheld** - the matter will be noted and no further action will be taken.

**Complaint upheld** – appropriate action will be taken to address and resolve the complaint, as follows:-

- (1) an explanation of the circumstances and an apology;
- (2) a proposal to seek a mutually agreed remedy; or
- (3) information on any changes to be made to avoid problems recurring in the future.

### **Stage 2 - Investigation**

This stage deals with two types of complaint:-

- **Investigation by the Community Council Investigating Panel (the Panel)** for complaints that are more complex and require further investigation to determine the facts, where more than one issue is being investigated or where frontline resolution has failed; or
- **Panel of members from other community councils** where the complaint relates to another community council. If this is required, Fife Council's Community Council Liaison Officer will assist in identifying members for the panel meeting.

All Panel meetings will be held in private and all materials relating to the complaint/investigation will be sent to Fife Council via [community.councils@fife.gov.uk](mailto:community.councils@fife.gov.uk) on completion, for archiving. This will be retained for three years as detailed by the Fife Council Retention Guidelines for Community Councils found here: [Community Councils | Fife Council](#).

The Investigating Panel (the Panel) will comprise three members of the Community Council who have undertaken basic mediation and conflict resolution training provided by Fife Council. The Chair, Secretary and Treasurer of the Community Council will comprise the Panel, unless (1) the complaint relates to one of these office-bearers. In such cases, another member of the community council should be recruited to the Panel in their place; or (2) where the community council has decided that it would not be appropriate for its members to investigate the complaint. In such cases, the community council must arrange for a panel of three members drawn from other community councils in Fife, established to investigate the complaint.

### **Process**

- (1) The Panel Chair will acknowledge receipt of the complaint in writing within five working days.
- (2) Depending on the nature of the complaint, the Community Council may decide to suspend the community councillor until a full investigation has taken place. A suspension is not an accusation of guilt but to enable all parties to gather materials regarding the alleged breach in an impartial and fair manner.

## Appendix 6

- (3) The Panel will determine what further interviews and/or written information is required and will undertake such investigations as they consider appropriate to enable them to reach a decision.
- (4) The Panel should arrange to hold a meeting, **in private**, with the complainant and any other party **within 60 days** of receipt of the complaint. Should any party choose not to attend this meeting, the Panel will meet and reach a decision in their absence.
- (5) *A Community Councillor who is the subject of a complaint will not be entitled to attend any Special Meeting convened by the Community Council to consider the complaint against them but the Community Councillor will be entitled to submit written representations for the Panel's consideration.*
- (6) Notice of the meeting and the composition of the Panel must be provided to all named parties at least **ten days** prior to the meeting.
- (7) The Panel must share all material/evidence submitted with all named parties no later than **five days** before the meeting takes place and no late materials/evidence will be accepted, unless exceptional circumstances for doing so can be cited.
- (8) If the complaint relates to the behaviour of a member(s) of the community council, the member(s) will (each) be entitled to have support at the meeting, e.g. a family member or friend, who can provide advice. Any person in a supporting role may not address the Panel.
- (9) The Panel will choose a Chair and will then consider the evidence provided by all named parties, invite any further comments from the parties and thereafter decide, by a majority, whether the complaint is upheld, or not upheld, or partially upheld.
- (10) The Panel process is not a legal process and will be held as informally as possible to allow full participation by all parties. However, it is expected that all participants will act courteously and respectfully to others. Should any party behave in an inappropriate fashion, they will be asked to leave the meeting and the Panel will continue its deliberations in their absence.
- (11) Where a complaint is not upheld, no action will be taken and the meeting will end; or having reached a decision to uphold or partially uphold the complaint, the Panel should advise all parties of their decision, after which all parties should leave the meeting.
- (12) The Panel will decide, by majority vote, an appropriate course of action and/or any sanctions to apply. The Panel can adjourn and re-convene if necessary. The Chair must advise, in writing, all parties of the decision and any outcome within **ten days** of the Panel meeting.
- (13) The community council at its next meeting should inform members that a complaint was received and how it was resolved. The complaint can be recorded in the minute without naming any of the parties involved, unless a member(s) is suspended, resigns or is expelled. Please note, only after all parties have received the Chair's letter detailing the outcome of the Panel's deliberations, can a copy of the decision letter be made available by the Panel to the community council for its records.

### **Stage 2 - possible outcomes**

Where the complaint is in relation to a Community Council/Councillor's behaviour or actions, the following actions may be considered:

- (1) Offer to provide guidance/training/mentoring.
- (2) Suspension from Community Council meetings and activities for a period of time to be agreed by the majority of the Panel.
- (3) Instruction to stand down as an Office Bearer.
- (4) Censure of behaviour and issue a written warning to behave in accordance with the Standards of Conduct contained in the Scheme for the Establishment of Community Councils.
- (5) In serious cases, expulsion of a member from the community council, if approved by the panel's unanimous vote.

### **Appeal**

**There is no right of appeal against a frontline resolution response or an Investigating Panel's decision.**



**SCHEME OF ELECTORAL ARRANGEMENTS  
COMMUNITY COUNCIL ELECTIONS**

Version:	V01
Author:	Shona Cameron, Manager – Electoral Services
Owner:	Returning Officer, Community Council Elections
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**Amendment Form**

Version	Date	Brief Summary of Changes	Author

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## **1. RETURNING OFFICER**

- 1.1 The Returning Officer for Community Council elections will be the Chief Executive as stipulated in the Council's Standing Orders.
- 1.2 The Returning Officer will appoint Deputes with full powers, as necessary, to assist with the running of Community Council elections.
- 1.3 The Returning Officer will have the power to appoint such staff as they consider necessary and appropriate to assist them in the conduct of their duties.
- 1.4 The Returning Officer will be responsible for the resolution of any disputes arising from the election process, and their decision will be final.
- 1.5 The Returning Officer may take such steps as they think appropriate to remedy any act or omission which arises in connection with any function of the Returning Officer or relevant person has in relation to the election and is not in accordance with the rules or any other requirements applicable to the election. Any action or steps taken will not invalidate the poll.
- 1.6 The Returning Officer reserves the right to make such amendments to the Scheme of Electoral Arrangements to ensure the efficiency, integrity, and transparency of the poll.

## **2. FREQUENCY OF ELECTIONS**

- 2.1 The ordinary elections for Community Councils will be held on a rolling basis every for each community council area every four years commencing in 2023. The Returning Officer reserves the right to postpone community council elections in the event of an unscheduled national statutory election being called at short notice in a community council election year.
- 2.2 The day of poll, where there are contested elections, will be held on the last Thursday in September in an election year.
- 2.3 Where a Community Council considers that a significant portion of the electorate within the community council area will be disadvantaged by the date chosen for the ordinary elections either by way of affecting those electors' ability to stand as a candidate or to vote in an election, then the Community Council must request in writing by 31 March in an election year that the election for that area be postponed for a period of up to six months.
- 2.4 Any postponement will only be granted at the discretion of the Returning Officer.



2.5 The death of a candidate during the election period will have no effect on the conduct of a community council election.

### 3. TIMETABLE

3.1 The days which are disregarded in calculating the timetable are Saturday, Sunday and any day which is a bank holiday in Scotland and any day appointed for public thanksgiving or mourning. The proceedings will be conducted in accordance with the following timetable of events:

Date		Task
	-35	Publication of Notice of Election
Between 10am and 4pm on any weekday after the publication of the Notice of Election		Delivery of nomination papers and personal statements
Not later than <b>4pm on the 23<sup>rd</sup> day</b> before the date of any contested poll	-23	Deadline for the submission of nomination papers to the Returning Officer  Deadline for the submission of candidates' personal statements to the Returning Officer
Not later than <b>4pm on the 18<sup>th</sup> day</b> before the date of any contested poll	-18	Deadline for the withdrawal of nominations
<b>As soon as practicable after 4pm on the 18<sup>th</sup> day</b> before the date of any contested poll	-18	Publication of the Notice of Poll for contested areas  Publication of the Notice of Uncontested elections  Publication of the Notice of Community Councils not established.
Not later than the 11 <sup>th</sup> day before any contested poll	-11	Returning Officer issues letters to candidates in uncontested areas confirming their election and date of inaugural meeting  Returning Officer issues details of the arrangements for the poll to candidates in contested areas
Polling	0	Polling in contested area(s)

Date		Task
Counting of votes cast	+5	Verification and count

\*Timetable is based on a contested poll being held

- 3.2 Although, not part of the statutory timetable, the Returning Officer will contact all community councils at least 3 months prior to the date set for the ordinary elections, confirming the arrangements for the poll.
- 3.3 After the declaration of the result, inaugural meetings of the community council will be held in accordance with the arrangements set out in the Fife Council Scheme of Establishment for Community Councils.

#### **4. ELECTORAL REGISTRATION ARRANGEMENTS**

- 4.1 An electoral register will be prepared for each Community Council area based on the current local government register of electors in force.
- 4.2 Only those persons whose names appear on the Community Council electoral register on the eligible date will be eligible to stand for election or vote in a community council election.

#### **5. NOTICE OF ELECTION**

- 5.1 The Returning Officer will publish a Notice of Election on the Council's website and arrange to display the notice in public offices across Fife.
- 5.2 The Notice of Election will indicate the date from which nomination forms will be available for completion by candidates and the details for the delivery of nominations.
- 5.3 The Notice of Election will indicate the date of the poll in the event of a contest being held.

#### **6. ELIGIBILITY**

- 6.1 A person will be eligible to stand for election to a Community Council if they have attained the age of 16 years, reside within the community council area, and are named on the electoral register for the area for which they are nominated.
- 6.2 Any individual who is elected to serve on Fife Council, or a person appointed to a committee of Fife Council in terms of Section 57 of the Local Government (Scotland) Act 1973 or a person who is elected to serve on the Scottish or UK parliament will be ineligible to stand for election or co-option to a Community Council.
- 6.3 Any individual who holds a politically restricted post in terms of the Local Government and Housing Act 1989, as amended by the Local Governance (Scotland) Act 2004, and by the Local Government Officers (Political

Restrictions) Regulations 1990 will be ineligible to stand for election or co-option to a community council.

## 7. TERM OF OFFICE

- 7.1 The term of office of any individual elected to serve on a community council will expire at midnight on the day before the date set for the election.
- 7.2 The term of office for each newly elected community councillor will run from midnight on the date set for the election for a period of 4 years.

## 8. NOMINATIONS

- 8.1 The nomination form will be in the form of an online form for completion by the candidate. Paper forms may also be made available by the Returning Officer.
- 8.2 Each candidate must submit their nomination with the Returning Officer **not later than 4pm** on the final date for submission of nominations, as specified in the timetable in Section 3 above.

a. The nomination paper must include:

- The full name and address of the candidate
- The name of the candidate to appear on the ballot paper, if contested
- The candidate's contact details
- The candidate's declaration
- The candidate's electoral number

And be signed and dated by the candidate.

b. All candidates may submit a personal statement of not more than 100 words in support of their candidacy. This must be lodged submitted with the candidate's online application form or submitted to the Returning Officer in writing by 4pm on the final date for submission of nominations, as specified in the timetable in Section 3 above.

- 8.3 It is the candidate's responsibility to ensure that delivery of their nomination paper complies with the delivery requirements published on the Notice of Election.
- 8.4 Where paper nominations are to be accepted, these must be submitted by either post or email to the required delivery address by the deadline or in person to the Election Office. Paper nominations submitted to any other office will not be accepted.
- 8.5 The Returning Officer will be entitled to hold a nomination paper invalid if it does not comply with the requirements of 8.1, 8.2, 8.3 and 8.4 above. The

Returning Officer's decision is final regarding the validity of a nomination paper.

- 8.6 The Returning Officer will publish the details of all candidates nominated as soon after the close of nominations that is practicable on the Fife Council website.
- 8.7 Candidate addresses will not be published, each candidate will be noted as "resident in the community council area" on public notices and on the ballot paper.
- 8.8 The Returning Officer reserves the right to call for further nominations in areas if after the deadline for the submission of nominations where the number of validly nominated candidates is below half of the maximum permitted membership for a specific community council area, and it is considered possible that a community council may be established if such action is taken.
- 8.9 A candidate may withdraw their candidature by completing and submitting a Notice of Withdrawal to the Returning Officer at the place for submission of nomination papers by **not later than 4pm** on the final date for the withdrawal of nominations, as specified in the timetable in Section 3 above. This can be submitted in person or electronically.

## **9 CANDIDATES PERSONAL STATEMENTS**

- 9.1 All candidates may submit a personal statement of no more than 100 words with their nomination paper, in support of their candidacy. Copies of all person statements will be made available to members of the public on request.
- 9.2 All material contained in a personal statement will be the sole responsibility of the individual candidate and neither the Returning Officer nor Fife Council will be responsible for the content. It will be the responsibility of the candidate to ensure that their personal statement does not contain any material which is political, obscene, defamatory, or otherwise actionable.
- 9.3 The Returning Officer reserves the right to refrain from publishing any personal statement which is in breach of these rules.

## **10 PUBLICITY**

- 10.1 All information regarding the electoral process will be available on the Fife Council website.

- 10.2 All election related notices will be published on the Fife Council website and, arrangements will be made to display these in public offices across Fife.
- 10.3 The Returning Officer will provide for posters advertising elections and make arrangements to display these in public offices across Fife.
- 10.4 The Returning Officer will make these posters available to existing community councils for distribution within their own areas to assist in promoting the forthcoming elections.

## 11 CAMPAIGNING

- 11.1 The Returning Officer **is not responsible** for promoting any candidate for election or the community council which they wish to represent.
- 11.2 Candidates may commence campaigning at any time after the publication of the Notice of Election, they are not required to wait until they are validly nominated, although they will not officially become a candidate until submission of a valid nomination paper.
- 11.3 Individual candidates or existing community councillors may wish to engage with members of the public at public meetings to promote their views and respond to questions. The arrangements for; and any expenses incurred in respect of such meetings will be the responsibility of the organiser(s).
- 11.4 Individual candidates may print their own campaign material or use social media for campaign purposes, but candidates must be clear that the views published are their own and not those of the community council they wish to represent or Fife Council.
- 11.5 Community Councils may use their own campaign material or use social media to promote their community council prospective candidates. Community Councils must be clear that the views published are their own and not those of Fife Council.

## 12 UNCONTESTED ELECTIONS

- 12.1 If, after the deadline for the withdrawal of nominations, the number of candidates remaining validly nominated is equal to or exceeds half but is less than or equal to the total maximum permitted membership as specified for the area, the candidates will be declared elected, and the Returning Officer will give intimation of the result in accordance with the procedure described in paragraph 22.

- 12.2 Community Councils will not be considered properly constituted until after the inaugural meeting of the new established community council has been held and office bearers appointed.

### **13 UNSUCCESSFUL ELECTIONS/DISSOLUTION OF A COMMUNITY COUNCIL**

- 13.1 Where the total number of valid nominations for election to any Community Council received by the Returning Officer after the time specified for close of nominations is less than half of the total maximum permitted membership, as specified for the area, no Community Council will be established.
- 13.2 The Returning Officer will give intimation of the result in accordance with the procedure described in paragraph 22.
- 13.3 However, this does not prevent a request from 20 electors in the Community Council Area to make arrangements for the establishment of a Community Council under the terms of Section 52 (7) of the Local Government (Scotland) Act 1973 being submitted to the Returning Officer at any time.
- 13.4 Such requests should be submitted in writing to Returning Officer, Fife Council, Fife House, North Street, Glenrothes, KY7 5LT. A form is available for this purpose on the Fife Council website.
- 13.5 The Returning Officer (Community Council elections) will make arrangements to conduct the poll within six weeks of being notified of the dissolution of a Community Council under Section 7(f) of the Scheme of Establishment for Community Councils or on receipt of a request from 20 electors from the Community Council area to make arrangements for the establishment of a Community Council under the terms of 52(7) of the Local Government (Scotland) Act. The proceedings will be conducted in accordance with the timetable set out in Section 3.1 of this document.

### **14 CONTESTED ELECTIONS**

- 14.1 If, after the expiry time for the withdrawal of nominations, the number of candidates remaining validly nominated exceeds the total maximum permitted membership as specified for the area, the arrangements for a poll will be implemented.

### **15 NOTICE OF POLL**

- 15.1 The Returning Officer will publish the Notice of Poll on the Fife Council website and arrange to display this in public offices across Fife.

- 15.2 The Notice of Poll will indicate the arrangements for the poll including whether the ballot will be held in person or by postal vote.

## **16 VOTING ARRANGEMENTS**

For contested elections:

- 16.1 The poll will be conducted by secret ballot.
- 16.2 There will be no provision for the issue of poll cards or voting by proxy unless otherwise stated by the Returning Officer.
- 16.3 Only those persons whose names appear on the Community Council electoral register on the date of its closure prior to an election will be eligible to vote.
- 16.4 Where considered appropriate, the poll will be conducted by postal ballot.
- 16.5 Ballot papers will contain the names and addresses of the candidates, as prescribed on their nomination form. Names will be arranged in alphabetical order of surname and if there are two or more candidates with the same surname, of their other names.
- 16.6 Every ballot paper will have an official mark.
- 16.7 Each elector will be entitled to cast a number of votes up to the prescribed vacancies for each election but will not give more than one vote to any one candidate and will not give an order of preference among candidates (although the recording of such preferences would not in itself spoil an otherwise valid ballot paper).
- 16.8 The result will be determined by counting the votes given to each candidate and the candidates with the highest number of votes, equal to the number of prescribed vacancies, will be declared to have been elected.

## **17 REQUIREMENT OF SECRECY**

- 17.1 All persons involved in the election are required to maintain and aid in maintaining the secrecy of the ballot.

## **18 POSTAL VOTING**

- 18.1 If required, arrangements will be made to issue postal ballot packs to all eligible electors as soon as reasonably practicable after the deadline for the withdrawal period set out in the timetable in Section 3 above. Each postal ballot pack will contain a ballot paper, postal voting statement,

instructions for voting by post, return envelope and a copy of all relevant candidates' personal statements for the information of voters.

- 18.2 For a vote to be valid, the ballot paper must be returned with a valid postal voting statement duly signed by the elector confirming they are the elector to which a ballot paper has been sent.
- 18.3 If an eligible elector spoils or loses their postal ballot or postal voting statement, arrangements will be made to re-issue a replacement pack to the elector.

## **19 COUNTING OF VOTES CAST**

19.1 The Returning Officer will make arrangements for the counting of votes cast and notify the candidates of the time and place at which the count will take place.

19.2 No person other than:

- the Returning Officer and their staff
- the candidates or
- any person representing a candidate who is not present.

may attend the counting of votes, unless expressly permitted by the Returning Officer.

19.3 A candidate or their representative may, if present when the counting of the votes is completed, request the Returning Officer to conduct a recount. The Returning Officer may refuse to do so if in their opinion the request is unreasonable.

## **20 DOUBTFUL BALLOT PAPERS**

20.1 Any ballot paper which

- (a) votes are given for more candidates than the prescribed number of vacancies.
- (b) anything is written or marked by which the voter can be identified.
- (c) is want of the official mark.
- (d) is unmarked or null and void for uncertainty.

will not be counted.

20.2 A ballot paper on which is:

- (a) Marked elsewhere than in the proper place.
- (b) Marked otherwise than by means of a cross.
- (c) Marked by more than one mark, or where the voter has indicated an order of preference.

will not for such reason alone be deemed to be rejected.



20.3 The decision of the Returning Officer on any question arising in respect of a doubtful ballot paper will be final.

## **21 EQUALITY OF VOTES**

21.1 Where, after the counting of votes cast (including any recounts) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the Returning Officer will decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

## **22 DECLARATION OF RESULTS**

22.1 In the event of a contested election, when the result of the poll has been determined, the Returning Officer will declare the candidates receiving the highest number of votes, equal to the number of available vacancies, to be elected after the counting of votes cast and publish a notice to that effect online at [www.fife.gov.uk](http://www.fife.gov.uk).

22.2 In the event of an uncontested election, following the expiry of the time for the withdrawal of nominations, the Returning Officer will declare the remaining candidates validly nominated to be elected and publish a notice to that effect online at [www.fife.gov.uk](http://www.fife.gov.uk). Successful candidates will also be issued with a letter by the Returning Officer confirming their election and term of office.

22.3 Each successful candidate is required to make a declaration accepting the office of community councillor and undertaking to fulfil the duties of the office according to the best of their judgement and to meet the standards or conduct outline in the Fife Council Scheme for the Establishment of Community Councils.

22.4 In the event of a community council not being established, following the expiry of the time for the withdrawal of candidates, the Returning Officer will publish a notice to that effect online at [www.fife.gov.uk](http://www.fife.gov.uk), with details of the re-establishment process.

## **23 SEALING UP OF ELECTION MATERIALS**

23.1 On completion of the count, the Returning Officer will seal up the following documents in separate packets:

- Nomination papers.
- Counted valid ballot papers.
- Rejected ballot papers.
- Other election stationery.

23.2 The sealed packets will be retained by the Returning Officer for a period of 12 months from the date of the poll and then destroyed securely thereafter.

## **24 INTERIM ELECTIONS**

25.1 Interim elections, will be held, as required following the rules set out above.

**Ken Gourlay**  
**Returning Officer**