



Good Practice Guidance for Community Councils and local authorities

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Background

This Good Practice Guidance Document is an update to the Guidance first published in 2009. The changes reflect updates to legislation and national policy and takes into account developments in digital engagement and communications since 2009.

This document is a “living document” and its purpose is to support the Model Scheme of Establishment of Community Councils which has also been updated in 2023, along with the Model Constitution, Standing Orders and Code of Conduct. These three documents will be referred to as ‘associated documents’ throughout this guidance.

This will enable both Community Councils and local authorities to work together to ensure that Community Councils have the capacity and capability to engage effectively in an open, transparent and inclusive manner. Working alongside other community organisations, this will enable them to represent their community and help inform strategic decisions from a grassroots level.

The aim is that this guidance, and the Model Scheme of Establishment and associated documents will be updated as and when there are changes to legislation or to circumstances which require a response. This will be assessed regularly, but in the meantime community councillors and Community Council Liaison Officers (CCLOs) can submit any suggested changes and additions they think should be made to these documents by using this email address:

scottishccsuggestionbox@improvementservice.org.uk

This document will be of particular use for new community councillors as part of the induction process as it provides a comprehensive introduction to Community Councils and their workings, along with information provided locally by each local authority.

A key development since 2009 is the [Scottish Community Councils website](#) which is also a useful resource for Community Councils seeking guidance on a variety of issues.

The website includes more detailed information on issues contained within this guidance document, such as [Community Council roles](#), [responding to planning enquiries](#) and [community engagement](#). It also features regular [news updates](#) on sources of funding, consultations and other resources which might be of interest to Community Councils, along with [case studies](#) of successful Community Council projects.

Training resources are also available through the [Scottish Community Councils partnership with the Open University](#), which gives community councillors access to free courses on digital skills, business skills, finance and fundraising and community and society. There is also a social media guide, #FollowMe, which was published in 2022.

You can also access information on a range of [cost of living resources](#) from national advice organisations as well as finding out what help is available from local councils.

Introduction to Community Councils

Community Councils were introduced through the Local Government (Scotland) Act 1973. The Act defined the purpose of a Community Council as:

“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.”

There are currently approximately 1,200 active Community Councils in Scotland. Community Councils can get involved in a wide variety of issues such as youth projects, environmental initiatives, upgrading of amenities and community improvements. This is just a small example of activities which might benefit their area, either working on their own or in partnership with other agencies.

The boundaries of their communities are usually defined naturally, hence the name “Community Council”. The features and rules that describe these boundaries, including the number of Community Council representatives, the populations they represent, and their election procedures are determined by each parent local authority through their own Scheme for the Establishment of Community Councils.

The Local Government Scotland Act 1973 empowered all local authorities to assist Community Councils, both with funding and administrative support.



A Community Council can act as a campaigning body in raising awareness of specific local issues. They can be particularly useful in co-ordinating smaller, local organisations to ensure that resources are being used efficiently and effectively.

The local authority, in return, has a duty to consult Community Councils on how local services are delivered and other issues affecting their neighbourhoods. Community Councils have the right to be consulted on planning applications in their areas and are also kept informed about licensing applications.

The Community Empowerment (Scotland) Act 2015 also provides new statutory rights for Community Councils along with other community organisations. This includes Part 3 Participation Requests and Part 8 Common Good. The Planning (Scotland) Act 2019 has also strengthened Community Council's engagement with the planning system.

Examples of Community Council Activities

Activities can include:

- writing letters following a meeting of the Community Council in order to highlight an issue
- attending meetings with public officials
- holding a public meeting either at regular intervals or in response to a specific issue, or to find out what are the areas of concern within the community
- carrying out surveys in the area, typically by using questionnaires
- meeting with other Community Councils or other community groups
- writing in response to a draft policy report or consultation document
- receiving and responding to enquiries and problems raised by members of the public
- sending representatives to attend a meeting of a council area committee, advisory group or regeneration partnership
- producing a newsletter and distributing it to all homes in the area, or electronically via social media or the Community Council's own website
- arranging for public officials or others to attend future meetings of the Community Council
- negotiating codes of practice with local authorities
- arranging community events such as gala days, fetes, or clean up days

Role of the Community Councillor

The role of the community councillor is to represent the views of the community. This means not offering personal views and opinions on local issues or taking decisions that are based on self-interest. The role involves discussing issues with people in the community to clarify their views and assess the strength of their feelings on different topics. When representing members of the community on a particular interest, a community councillor must check out the facts of the situation before taking matters to the Community Council. There are two sides to every story, so make sure that both sides are put forward. There is little point in taking up time at meetings to discuss problems that are based simply on misunderstandings or misrepresentations of the facts.

At some point it may be that you will find some conflict between your own personal views and interests and those of the community that you are representing. If such a situation does arise, try to make sure that the views of the community take precedence. Experience shows that if the views of individuals on the Community Council are allowed to take priority then the community will very quickly lose confidence in the Community Council and its work may subsequently be devalued.

In some instances, it may be necessary and appropriate to declare an interest in the matter under discussion and to withdraw from that debate and decision-making.

The task of any Community Council is to identify the needs and aspirations of its community and to take decisions that will lead to appropriate action in that community. At some point this might involve setting priorities on the competing or conflicting needs of different sections of the community.

Competition and conflict are normal in any community, so you shouldn't think of them as something that can be altogether avoided. What is important is that you approach competition or conflict in a fair and reasonable manner. This means taking a balanced view of your community's needs and aspirations and giving a fair hearing to representatives from different interest groups in your community. In particular, you should try to avoid being influenced by prejudice or bias, whether in the sphere of race, religion, gender or any other of the "labels" which get attached to people and to local issues.

Role of Office Bearers

Each Community Council must have a Chairperson, a Treasurer and a Secretary – the office bearers – and these roles carry the most responsibility. The office bearers, as elected members representing their local communities, are responsible for the efficient and effective operation of the Community Council working within the local authority's Scheme of Establishment for Community Councils. All members of the Community Council are equally responsible for the Community Council's decisions and actions and may take on

additional activities in support of the Community Council. The office bearers' roles are described below:

The Chairperson

The Chair is elected in accordance with the rules set out in the Community Council's own Constitution. The chairperson is responsible for ensuring that discussions are productive whilst adhering to the agenda, that meeting runs to time and that clear action points are set.

In regular meetings the role of the Chair is a formal one, all speakers will be expected to address their comments to the Chair. This helps the Chair to keep control of the discussion. In Committee meetings, where proceedings need not be so formal, the Chair may be content simply to steer the general direction of the discussion – this may be described as an enabling role. The extent to which a Chair adopts one or the other of these will be dependent upon the circumstances at a particular time or occasion. Set out in Annex A are some of the characteristics of the two approaches.

Perhaps most importantly of all, the Chair is expected to know the rules by which the Community Council functions and ensure that at all stages of its work the Community Council is operating in accordance with any procedures that are set down. In this context the Chair may be called upon to act as an arbiter when there is a disagreement

about how the rules should be interpreted.

It is important to recognise that the Chair's role extends outwith the meeting itself. The Chair may be called upon to act on behalf of the Community Council between meetings, or to represent the Community Council in dealing with outside bodies. This role may also be delegated by the Community Council to other office bearers or members.

The Vice Chair

The Role of the Vice Chair is to stand in for the Chair when unable to attend a meeting and often the Vice Chair is the next "Chair in waiting".

The Secretary

The Secretary ensures the smooth running of the Community Council by organising online or in person meetings, booking venues, setting the agenda and keeping minutes and records. The secretary also ensures effective communication between the Community Council and members of the public, the media and local authority officers.

The Treasurer

The Treasurer is responsible for maintaining the Community Council's financial records, making payments on behalf of the Community

Council and any charities and/or other funds dispersed by the Council. This includes managing the bank account, ensuring money is only spent in a manner approved by the Community Council members as recorded in the minutes.

The Treasurer ensures that any financial transactions are signed off by two persons authorised by the Community Council members as recorded in the minutes. It is good practice to have more than two authorised signatories, in the event of someone being unavailable at short notice. The Treasurer must keep proper accounts of all receipts and expenditure and prepare an Annual Statement of Accounts. Community Councils should use an independent, external examiner to approve the accounts. This need not be a professional accountant but should be someone who has some relevant knowledge and experience of finance.

Another key role for the Treasurer is reporting and answering any questions raised by members of the Community Council or the public on the Statement, which must be formally approved at the next AGM. When the Statement is certified and approved, it should be sent to the local authority as part of the process of applying for the annual administration grant. The standard form of words for the Treasurer's Certificate is:

“I certify that the above accounts have been prepared by me and accurately reflect the financial provisions relating to the period”



Key policy developments and useful resources

In recent years, there have been a number of policy developments which have an impact on the work of Community Councils and other community organisations. The information below is a starting point for Community Councils to help better understand the latest community empowerment tools and resources.

Community Empowerment (Scotland) Act 2015

The Community Empowerment (Scotland) Act 2015 provides a legal framework that promotes and encourages community empowerment and participation, by creating new rights for community bodies and placing new duties on public authorities. There are 11 policy parts in the Act coming into force at different times. The legislation is available here: [Community Empowerment \(Scotland\) Act 2015](#)

The following parts of the Act will be of particular interest to Community Councils.

Community Planning

Community Planning forms Part 2 of the Act and came into force 15 April 2016. It places community planning partnerships on a statutory footing and imposes duties on community planning partners around planning and delivery of local outcomes. Community planning is

about how public bodies work together, and with local communities, to design and deliver better services that make a real difference to people's lives. Community Councils are not specifically mentioned in the Part 2 but will be one of the many key partners to influence and engage with the process. More information is available here: [Community planning - Improving public services](#)

Participation Requests

Participation Requests form Part 3 of the Act and came into force on 1 April 2017. Community Councils are listed as a Community Participation Body which is the term given to the group of people who can make a Participation Request to a Public Service Authority. If required, Participation Requests can help to start a dialogue and contribute to decision-making processes to improve outcomes. More information is available here: [Participation requests - Community empowerment](#)

Guides, tools and templates to make the most out of Participation Requests can be found on the Scottish Community Development Centre website here: <https://www.scdc.org.uk/participation-requests>

Community Right to Buy Land

Community Right to Buy Land forms Part 4 of the Act and came into force on 15 April 2016. It extends the community right to buy to all of Scotland and introduces a new provision for community bodies to purchase neglected, abandoned or detrimental land where the owner is not willing to sell that land. Community Councils are not mentioned in the Act but will want to have an awareness and knowledge of this important piece of legislation. More information is available here: [Community right to buy - Land reform](#)

Community Asset Transfer

Asset Transfer forms Part 5 of the Act and came into force on 23 January 2017. Eligible community bodies named Community Transfer Bodies, can request to buy, lease or have other rights in land, including buildings or other structures on land, which is owned or leased by Relevant Authorities. Due to the composition of Community Councils, they are not listed as an eligible body in the Act. However, Community Councils are uniquely placed at the centre of their communities and can play a key role by giving Community Transfer Bodies advice on the wider aspects of community priorities or local plans. More information is available here: <https://www.gov.scot/policies/community-empowerment/asset-transfer/>

Expert advice and support is provided by the Community Ownership

Support Service (COSS) and more information is available here: [About COSS | DTAS Community Ownership Support Service](#)

Common Good

Common Good forms Part 8 of the Act and came into force on 15 April 2016. It places a statutory duty on local authorities to establish and maintain a register of all property held by them for the common good and publish their proposals. The Act requires that local authorities consult with the local community when it is planning to dispose of Common Good property or change its use and Community Councils are listed in the Act at Section 105 (5). More information is available here: [Common good property: statutory guidance for local authorities](#)

In addition to the above, there are a number of other ways outwith legislation that Community Councils can play a key role in either participating directly, or by providing support for local community initiatives. Examples are as follows:

Participatory Budgeting

Participatory budgeting (PB) is an internationally recognised democratic tool, which enables local people to have a direct say on how public money is spent. PB is delivered in partnership with local authorities, communities and third sector organisations. Community

Councils across Scotland have led on successful PB initiatives in their local community. The Scottish Community Development Centre hosts the PB Scotland website and more information is available here: [PB Scotland - Participatory Budgeting in Scotland](#)

Social Impact Pledge

The Social Impact Pledge was launched in 2016 and asks public sector organisations across Scotland to commit to increasing their social impact, by offering practical support to benefit the community. A pledge can be as practical as offering a free meeting space for community organisations, offering increased work experience for students and young people, allocating paid free time for staff to support community fund raising or providing opportunities for young people to experience a Board meeting or shadow a Board member. The Scottish Community Development Centre hosts the Social Impact Pledge and more information is available here: <http://www.communityscot.org.uk/social-impact-pledge/>

The National Standards for Community Engagement

The National Standards for Community Engagement are good-practice principles designed to support and inform the process of community engagement and improve what happens as a result. The Standards were revised in 2016 and 2020 to guide thinking on how to engage effectively with communities, in particular following recovery from the Covid-19 pandemic. More information is available here:

[National Standards for Community Engagement](#)

[VOiCE \(Visioning Outcomes in Community Engagement\)](#) was refreshed in 2021 and it continues to be a very well-used online platform for planning and evaluating community engagement within the public, voluntary and community sectors and may be a useful tool for Community Councils.

The [Engaging With our Communities to Support Recovery and Renewal](#) resource looks at good practice in engaging digitally. Although initially written to support Covid-19 recovery, the information is also relevant to digital engagement in a wider context.

Community Development

Community development helps people come together to take action on what is important to them and helps communities to organise and identify the issues they want to address, or the opportunities they want to explore. Community Councils may want to engage with the key national organisations for community development in Scotland. Website links are as follows:

Scottish Community Development Centre: [SCDC - We believe communities matter](#)

Community Development Alliance Scotland: [Community Development Alliance Scotland](#)

Scottish Community Development Network: [SCDN | Scottish Community Development Network](#)

International Association for Community Development: [IACD Global](#)

Community Learning and Development Standards Council: [CLD Standards Council for Scotland | Professional Learning](#)

Communities Channel Scotland

The Communities Channel Scotland website is a trusted source of information and a one stop shop for communities seeking up to date and relevant information, stories and learning to inform their efforts to improve their community. Community Councils may find it helpful as it provides information on funding sources and provides inspiring local initiatives. More information is available here:

<http://www.communityscot.org.uk/>



Scheme of Establishment review process

This step-by-step guide is designed to support local authorities and Community Councils through the process of reviewing their local Scheme for the Establishment of Community Councils. It is also supplemented by a suggested timetable of the decision-making process, and draft Public Notices for the execution of a review process which can be found in the annexes of this document.

The statutory basis for establishing Community Councils is set out in Sections 51 to 55 of the [Local Government \(Scotland\) Act 1973](#) here: [Local Government \(Scotland\) Act 1973](#)

This is supplemented by Section 22 of the Local Government etc. (Scotland) Act 1994 here: [Local Government etc. \(Scotland\) Act 1994](#)

Decision to amend a Scheme

There can be several reasons for a local authority to consider the amendment of their Scheme, most commonly a changing local landscape or demographic shifts. The following provides step by step actions to take:

1. A Special Council meeting (please note that all of the Council meetings referred to in this section should be Special Council meetings, held for that purpose. The most common mechanism for this is that the Special Council meetings are held immediately before the calendared Council meetings) considers a report on the intention to amend its Scheme for the Establishment of Community

Councils under Section 53. - (1) of the Local Government (Scotland) Act 1973.

2. Upon approval of the report, a Public Notice is published in the local Press to that effect, with an at least, eight-week consultation period for any representations to be made on the: **'draft amended areas and composition of the Community Councils'**.
3. A Special Council meeting considers a report on the outcome of the consultation exercise on the draft amended areas and composition of the Community Councils and the contents of a proposed draft amended Scheme.
4. Upon approval of the report, a second Public Notice is published in the local Press to that effect, with an at least eight-week consultation period for any representations to be made on the: **'draft amended Scheme'**.
5. A Special Council meeting considers a report on the contents of a draft amended Scheme and its adoption.
6. Upon approval of the report, a third Public Notice is published in the local press to that effect, with a commonly four-week consultation period for any final representations to be made on the draft amended Scheme, together with associated documents, including Community Council boundaries.

7. A Special Council meeting considers final representations and agrees the 'Amended Scheme for the Establishment of Community Councils'.
8. A fourth Public Notice is published '**of the Scheme in its amended form together with Public Notice of such a Scheme as it applies to each proposed area, by exhibition in that area, and any such notice shall contain an invitation to electors in the area concerned (*where there is currently no Community Council established) to apply in writing to the local authority for the establishment of a Community Council in accordance with the amended Scheme**'. The already established Community Councils operate as normal under the new Scheme until their new prescribed election dates come around.

Please note that there may be instances when a consultation period does not attract any or any substantive representations. However, as the legislation illustrates a staged approach to the process, the most common complete statutory review period would be an initial eight weeks, followed by a second eight-week period and finally four weeks for final consultation.

*No invitation to petition the Council for the establishment of a Community Council is required for currently established Community Council areas as the new Scheme would automatically come into force for them to continue as normal.

Included in **Annex B** is a Timetable Guide for a review of the Scheme of Establishment.

Included in **Annex C** are examples of Public Notices for each stage of the review process.

Election procedures

Elections are the key to ensuring appropriate and effective representation is achieved for Community Councils. Elections are therefore to be encouraged and Community Councils should receive appropriate support to administer elections where needed.

This guidance outlines best practice that is recommended to be followed when undertaking Community Council elections. Other elements that need to be adhered to may be detailed in the Local Authority's own Community Council Scheme.

Voting for candidates for election to a Community Council may take the following form:

- Secret ballot utilising ballot papers and box.
- Show of hands

The notice declaring the intention to conduct an election and seeking nominations of candidates for election to the Community Council must be publicly advertised at least 28 days before the date on which the election, by whatever form, is to take place.

The notice must contain details of:

- the name and address of the person responsible for issuing and receiving nomination forms;
- the closing date and time for receiving nomination forms which must be at least fourteen days before the election takes place;

- the closing date and time for receiving application forms for inclusion in the supplementary roll which must be at least fourteen days before the election takes place; and
- the date on which elections will take place and the statement as to how the election will be run

Community Council elections can be completed without a ballot. If the number of nominations received does not exceed the number required to establish the Community Council, then all those nominated will be considered duly elected without the need for a ballot.

There are three types of Community Council election:

- Establishing a Community Council – this begins with receipt of a petition and seeks to establish a Community Council where one has not previously existed.
- Re-establishing an existing Community Council as part of the usual election cycle.
- Interim election process to fill vacancies – this is a response to vacancies arising and can be filled at any time.

Consulting with your local area

Community Councils need to make every effort to communicate with all the residents living in the community. There are two parts to this duty: firstly to seek their views; and secondly to keep them informed of the Community Council's work as their elected representatives.

This is a positive duty. Fulfilling it will immensely improve the service you give to the community. Here are some examples:

- Ensure your local authority is giving you the support you need to fulfil your duty through regular engagement with your Community Council Liaison Officer (CCLO)
- Include main contact details in all correspondence issued from your Community Council. Always invite contact and encourage feedback.
- Whenever possible, restate the ways constituents can contact you. Make this as easy as possible for them by offering multiple contact routes e.g. email, telephone, social media or a suggestion box in a key community location.
- Create a website or ensure your details are included on the Local Authority website. List contact details and show the date, time and venue of meetings, and the agenda. Include the minutes of all previous meetings.
- Look into using social media channels to publicise the work of

the Community Council and to share information about upcoming meetings. You can use the #FollowMe social media guide for Community Councils to help you decide which channel is best for you.

- Collate a database of e-mail addresses for constituents. Ask for permission to send them e-mail bulletins seeking their views and reporting your actions.
- Display Community Council contact details in all public buildings. Include information on what you do and how you can help.

Secure space in any local newsletters, including local authority publications. You might want to do this collectively among all the Community Councils in your area.

Invite and encourage the local press to attend meetings. Issue press releases on matters of local interest and communicate with the local media through your social media channels. Consider appointing an individual to handle social media channels and media relations.

- Whenever you have a change of office bearers, let the local press know and contact any local organisations you have worked with. This communication should indicate the new bearers and reinforce the status, work and approachability of your Community Council. Do the same after every Community Council election.

- Hold surgeries for the community in public venues. For example, these could be community premises, local supermarkets or libraries. Advertise these in the local press and online well in advance and again closer to the time. Experiment with times, days and venues, and with the format of the surgery. Always have at least two community councillors present.
- Create and issue surveys at least once per year. Ask questions about the community's perceptions of you, of their community and their quality of life. Ask what you can do to improve the community. Find out what their priorities are. Be sure to include questions on the issues that will be important to your constituents in the future even if the details are not fully known. These surveys can be issued via email, social media and your website, as well as via printed papers in libraries or community centres in your area. Consider shorter, faster surveys on individual issues of significant local importance as they arise. The responses will be very important in helping you demonstrate how you speak for the community.
- Hold public meetings (in the true sense – all meetings of Community Councils are by law open to the public) whenever there is an issue of sufficient local importance. Monitor the attendance in terms of whether it representatively reflects the community – age, sex, area of residence, overall numbers and so on.
- Place suggestion boxes in prominent, busy local venues, as well as inviting online suggestions via email, social media and the website. Always respond to comments left when the person gives contact details. Regularly report comments at full Community Council meetings.
- If possible, deliver flyers or leaflets door to door. This is also an excellent way for community councillors to get to know their constituents, and vice versa. If there is a local community radio station, consider using it to promote the work of the Community Council.
- Word of mouth and informal personal contact is a common practice and has its place. However, it is the least objective method of discovering the community's views and should not be relied upon wholly when the Community Council make important decisions.
- Use Plain English and explain any professional terminology or “jargon” used in all Community Council publications and correspondence to ensure that information is easy to understand.
- The Scottish Community Development Centre (SCDC) has developed a number of resources to help with community engagement, including the National Standards for Community

Engagement, which outline good-practice principles designed to improve and guide the process of community engagement.

Remember:

- Always make it easy for the public to contact you
- Always seek comments and opinions from the community
- Evaluate your effectiveness regularly
- Never let the personal opinions of individual community councillors replace the views of your community
- Always adhere to the principles of the Community Councillors Code of Conduct



Campaigning on issues

How does a Community Council decide which issues it will consider and how to pursue them?

You will be presented with a large variety of issues and problems. Some will affect a single member of the community, others the entire community and beyond. Your Community Council must try its best to make a balanced decision on what issues it will tackle and how.

- Start by applying the “community benefit” test. Your actions should be directed towards securing the most positive results for the greatest number of local people, so long as the minority is not adversely affected. When faced with a number of issues, give first and most attention to those that affect the most people and on which you can realistically have a positive effect.
- Begin by gathering information. Decisions made without information, by prejudging the issue or by making assumptions, are bad for your community and your reputation. Find out the key points and then find out what local people feel about it.
- Base your Community Council’s position on the views of or benefit to the majority of citizens. The Community Council can play a role in making sure local people have access to balanced information and discussions to inform their views
- Be honest and realistic about whether you can do something about the issue. What influence can you have on the issue and

those involved and what action can you take to bring about change? Can you secure professional advice on technical aspects that would help you make your case? Research the person/organisation you want to influence – how can you engage with them to reach the desired outcome for the community?

- Decide what results you want. Be specific. Know why you want each of these results and exactly how they will meet the conditions above about benefit to the community.
- Figure out how to reach these objectives and monitor your activity. Assess how you can tell when you have achieved your objectives.
- An issue does not need to have only two opposing sides. Could your Community Council be an independent mediator bringing opposing factions together?
- Avoid allowing the Community Council to become the vehicle for any campaign that is not the evident will of the majority of community. When and if that is established, maintain that position and do not let your Community Council become the venue for constant debate about the issue’s merits. Nor should any single issue overwhelm your meetings.
- When you have determined the official position of your Community Council on an issue, you should not alter it unless there is a material change in evidence or circumstances.

- A community councillor who becomes publicly associated with a particular position in a way that may be seen to prejudice the Community Council on an issue must declare their interest to the Community Council and not take part in any activity associated with it.
- You may choose to appoint a special committee to co-ordinate your action on a particular issue with appropriate delegated authority. Make sure the committee has a clear remit and set clear instructions on what it may do or not do without the prior approval of the whole Community Council.



Representing your community

Communities want to see how their views are being reflected in the decisions made on their behalf by Community Councils. This can be achieved in a number of ways:

- Minutes of Community Council meetings – minutes should accurately reflect the business at a meeting and the decision that was reached. This decision should be made on the basis of known community opinion (evidenced where possible) to clearly show to both the local community and other outside bodies, such as the local authority, that the community have been listened to and their view(s) accurately reflected.
- Community Council meetings – this is the clearest way for Community Councils to share the known views of the community and to demonstrate to those in attendance that they are being listened to. The Annual General Meeting (AGM) is a great opportunity to promote the work that the Community Council has done over the preceding year.
- Public (subject specific) meetings – where these reflect areas of local concern it demonstrates to the community that they are being listened to and consulted, that their concerns are being acknowledged and that action is being taken where appropriate on their behalf
- Attendance at public sector agency meetings – such attendances should be reflected in the minutes to identify where community councillors have attended on behalf of their community. Issues/opinions expressed by the community councillor should be reported back to the community through the minutes.
- Newsletters/public notices – useful to engage and share information but also to gather local views and identify how local views have shaped the views/work of the Community Council.
- Website and social media – these are increasingly important channels to ensure that you are reaching a wide cross-section of your community. As well as sharing information, they can also be a useful resource for gathering opinions from local people.
- Membership – encourage membership from across the geographical Community Council area reflecting the make-up of the community it represents. The Community Council should strive to be diverse and inclusive in its membership and leadership to ensure that all members of the community are represented.
- Communication channels – a Community Council should communicate regularly with community members to keep them informed about their activities, upcoming events, and issues affecting the community, as well as establishing communication channels with key public and third sector organisations in the area. Examples of communication media include notice boards, posters in local shops, suggestion boxes and online via email, newsletters, social media, forums and virtual notice boards.

- Consultation – it is important for Community Councils to represent local views through various mechanisms including consultation where possible.
- All information produced should be available as widely as possible and easily accessible. It is also important that the Community Council seeks out the most effective ways to engage with the residents so that members of the public can inform the Community Council of issues which they would like to see discussed and make their views known.

When establishing views, community councillors should canvass local opinion but be careful not to be perceived as orchestrating campaigns unless endorsed by the community. Community Councils should be aware that it is often only a vocal minority who make representations but that their responsibility is to represent the views of the whole community.



Improving and encouraging youth membership

Ever since they were established, many Community Councils have struggled to attract and sustain the involvement of young people. The Model Scheme of Establishment now allows for young people aged over 16 to become full community councillors, with full voting rights, which has gone some way towards addressing the difficulties in attracting young people to the role. Community Councils may also allow young people under the age of 16 to become associate members, but this should be done by working with local schools to ensure child protection issues are adhered to.

Article 12 in the United Nations Convention for the Rights of the Child (UNCRC) states that young people who are capable of forming their views, should have the right to express these views freely: <https://www.cypcs.org.uk/rights/uncrc/articles/article-12/>

The Scottish Parliament passed the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill in 2020, with the aim of enshrining UNCRC principles into Scots law. However, the UK Supreme Court ruled that certain aspects of the UNCRC Bill were outwith the powers of the Scottish Parliament, which means that the Scottish Government has to find a way to bring the UNCRC Bill within their powers so it can become law in Scotland.

There are number of organisations in Scotland which can provide help and guidance to Community Councils who want to increase youth involvement, as well as contacting local schools and the local authority.

Youth Scotland: <https://www.youthscotland.org.uk/>

Youthlink Scotland: <https://www.youthlink.scot/>

Scottish Youth Parliament: <https://syp.org.uk/get-involved/join-us/>

Young Scot: <https://young.scot/>

Children and Young People's Commissioner Scotland:
<https://www.cypcs.org.uk/>

Children's Parliament: <https://www.childrensparliament.org.uk/>

Scottish Alliance for Children's Rights:
<https://www.togetherscotland.org.uk/>

Community Councils can stimulate young people's interest by promoting their elections amongst youth groups, pupil councils and student associations all of which are likely to have young people who may be interested in getting involved in the local democratic process. Local authorities are responsible for promoting active citizenship as part of the school curriculum and this should be linked to the Community Council election process.

Community Councils may also want to consider appointing young people as associate members without voting rights, for the specific purpose of representing young people's views.

Community Councils also need to consider how they will ascertain and represent the views of young people. If this cannot be achieved in the direct ways described above, then Community Councils can work in partnership with the local authority and other agencies that have direct contact with young people to gather their opinions.



Training and development of Community Councils

Training may be provided in-person or online by the local authority. There is also a training portal available on the Scottish Community Councils website, which gives community councillors free access to Open University courses on range of useful subjects.

The aim of training and development is to enable community councillors to develop their individual skills, build their capacity to engage with public agencies and acquire new skills. This will enable each member to participate as fully as possible in the work of the Community Council, bringing added benefit their communities.

Basic training needs can include roles and responsibilities, policy and procedure, licensing, planning and other relevant topics. Specific training needs can include chairing meetings, keeping financial records and writing minutes. Training must be delivered and targeted at the needs of the individual or the Community Council as a whole. Training could be delivered by:

- Community Council Liaison Officers.
- Individual local authority departments such as planning.
- Outside agencies such as third sector interfaces (TSI), Scottish Community Development Centre (SCDC), Planning Aid Scotland and the Scottish Community Councils project managed by the Improvement Service
- Community Councils themselves through peer support



Area forum membership

Community Councils in several local authority areas across Scotland have formed themselves into Forums or Associations. Forums tend to receive support from the local authority, either through grant funding, or more typically through in-kind support in the form of staff time, venue provision, and administrative resourcing.

Why have a Community Council Forum?

A Community Council Forum can be a support group for all Community Councils within a local authority area - particularly those who are newly established - providing an informal source of knowledge and experience. It can also enable its constituent members to exchange information, and to identify common issues. By working together, Community Councils can amplify their voices and advocate more effectively for their neighbourhoods. Joint forums can also facilitate communication and build relationships between different community groups, helping to create a more cohesive and connected community. Forums can provide a channel for Community Councils to act together.

What does a Community Council Forum do?

The typical aims of a Community Council Forum are:

- Promote the role, effectiveness and status of Community Councils
- Facilitate communication and collaboration between different

Community Councils

- Share information and resources about local issues and concerns
- Enhance the capacity of Community Councils to effectively represent their neighbourhoods and address local concerns
- Be a voice for Community Councils within a local authority area
- Provide a forum for discussion of matters of common interest to Community Councils
- Consult with representatives of Community Councils in other areas on matters of mutual interest
- Promote civic engagement and participation in local government in partnership with the local authority and other public agencies
- Identify opportunities for joint initiatives or projects that can improve the quality of life in the community.
- Foster a sense of community and belonging among residents
- Provide a platform for residents to voice their concerns and have their voices heard by local decision-makers

Planning

The planning system and the role of the Community Council

This section provides a brief introduction to key aspects of planning, as Community Councils play a valuable role within the planning system. A number of links are included to help enhance understanding and knowledge that may be useful for Community Councils.

The planning system is a devolved matter. The Scottish planning system is overseen and operated by Scottish Ministers and planning authorities in Scotland, which are the 32s and two national park authorities. The planning system is about creating better places and taking decisions on the infrastructure that is needed and assets to be protected for the benefit of future generations.

The planning system improves places through identifying the types of development that should be supported. Development is defined in the planning act as “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”. This could be a new building or a change to an existing building, for example change of use from a house to a shop.

Community Councils are most likely to be involved in representing their community’s views in the preparation of Local Development Plans (LDPs) and commenting on planning applications. Particular attention should be given to providing an input into Local

Development Plans as they form the basis of all decisions made on planning applications.

Further information about the planning system is available from the [Scottish Government website](#).

Key Terms used in this document:

- Appeals – the process of challenging certain decisions.
- Enforcement – investigating development that may not have relevant permission or may not accord with permission in place.
- Engagement – including people and organisations in the planning system.
- Development Management – the process of deciding whether to grant or refuse development proposals.
- Development Plan – this is the National Planning Framework 4 and the Local Development Plan. The development plan forms the basis of decision making on planning applications.
- Local Development Plan – sets out where development should and shouldn’t happen in the places they cover. Prepared by planning authorities.
- National Planning Framework 4 – a long term plan for Scotland

setting out where development and infrastructure is needed and contains national planning policies. Prepared by the Scottish Government.

- Permitted Development Rights – a range of development that may be undertaken without a planning application being needed.

Legal framework

The planning system operates within [Town and Country Planning \(Scotland\) Act 1997](#) (as amended, most recently by the [Planning \(Scotland\) Act 2019](#)).

The planning system in Scotland is plan-led. The law says that decisions on planning applications are to be made in accordance with the development plan, unless material considerations indicate otherwise.

Planning Policy

National planning policy is contained within [National Planning Framework 4 \(NPF4\)](#). It also sets out a spatial strategy for Scotland's long-term development. Local planning policy may be found in the Local Development Plan.

The vision of NPF4 is to give priority to the climate emergency and nature crisis. It signals the key priorities for 'where' and 'what'

development should take place at a national level and is combined with national planning policy on 'how' development planning should manage change.

NPF4 is part of the Development Plan (See 'Development Planning' section). Because of this there is no need to repeat those policies in LDPs. Therefore, there is an expectation LDPs will be focused on showing (including through maps) the spatial implications of national policy for different places. It is anticipated that limited policies and written text will be needed in LDPs.

Policy advice on implementing planning legislation (either the Act or secondary legislation and regulations) can also be found in [Planning Circulars](#) or guidance.

Development Planning

The Development Plan is formed of the National Planning Framework and the Local Development Plan (LDP) for the area. Development Plans set out how our places will change into the future, including where development should and shouldn't happen.

LDPs should consider the ambitions and outcomes for an area, looking 20 years ahead. It is expected that LDPs will be focused on showing the spatial implications of national policy for different places. LDPs identify sites for development as well as those that should be protected.

Community Councils should pay particular attention to inputting their community's views into the preparation of Development Plans. This is because the Development Plan will form the basis of all decisions made on planning applications. (See 'Development Management' section)

Community Councils should be aware of the Development Plan Scheme, which is published by the planning authority annually and sets out the programme for the preparation of the Local Development Plan. It will include a Participation Statement that highlights ways that people, and Community Councils can get involved.

Development Plans are reviewed on a ten-year cycle. However, with the adoption of National Planning Framework 4, it is anticipated that all planning authorities will have a new Local Development Plan in place by 2028.

Community Councils will be able to contribute to a variety of stages of the Local Development Plan preparation, including the evidence report and proposed plan.

Community bodies are now able to prepare Local Place Plans. These enable community aspirations for their place to be set out. Where available and registered these will be taken into account by the planning authority in the preparation of the Local Development Plan. Community Councils may also be community bodies for the purposes of [Section 19 of the Community Empowerment \(Scotland\) Act 2015](#) but

should confirm whether that is the case before starting to prepare a Local Place Plan.

Further guidance is available:

Local Development Planning Guidance 2023 (weblink to follow)

[Circular 1/2022: Local Place Plans](#)

<http://www.ourplace.scot/>

Development Management

Development management is the process of deciding whether to grant or refuse planning permission and other related consents. Planning applications may be approved, approved with conditions, or refused. Primary responsibility for dealing with planning applications and local planning matters rests with the local planning authority.

Decisions on planning applications are made in accordance with the Development Plan and relevant material considerations. The planning authority consider what 'weight' to apply to material considerations in making their decision. In reaching a decision on a planning application, the planning authority is expected to have regard to all material factors, including consultee views and representations submitted to them.

Material considerations are things that essentially are relevant to the application being made and relevant to planning. For example, littering isn't generally controllable through the planning system so isn't likely to be a material consideration, while additional noise from a particular type of new use is potentially controllable through the planning system so could be a material consideration.

Scottish Ministers have a general power to call in any live planning application or appeal for their own determination. In practice though, Ministers will exercise this power sparingly, and only where issues of national importance are raised, recognising and respecting the important role of local authorities in making decisions on the future development of their areas.

There are different types of planning application, including applications for:

- Planning permission (some-times known as 'full' planning permission, and all the details of the proposal are included)
- Planning permission in principle (considers the principle of development and full details of the development are not provided)
- Approval of matters specified in conditions attached to a planning permission in principle (which do not consider the principle of development but look at the details only).

In addition, there is a [hierarchy of developments](#) for which there are different handling procedures for the associated planning applications:

- National (defined by the National Planning Framework);
- Major (Defined by the Hierarchy of Developments; and
- Local (not National or Major).

The planning authority's Scheme of Delegation identifies which applications will be decided by officers of the authority and which will be decided by committee. For National and Major developments one procedural difference is that pre-application consultation (PAC) is required, including with the Community Councils whose area includes or adjoins the land for the proposal. The purpose of PAC is to give communities early awareness of proposals and an opportunity to engage with the prospective applicant, before the proposal is finalised for application. Though the applicant decides what the proposal in the application will be, this early engagement can help address potential concerns about a development.

The planning authority will send Community Councils in its area a weekly list of planning applications. These lists will likely cover the whole planning authority area, not just the Community Council area. Community Councils may request formal consultation on particular applications. Planning authorities will also directly consult with

Community Councils on planning applications for development likely to affect the amenity of the Community Council area.

Community Councils can choose to provide comments in response to a planning application or not. Responses may be in support or objection to the planning application and must be made within the deadlines specified by the planning authority.

Where a site for development is allocated in the LDP this is to give confidence to communities and applicants about the anticipated use of the site. Planning applications that accord with the principle of the site allocation can be anticipated to be supported, subject to consideration of material considerations. For example, applications for business development on a site allocated for businesses in the LDP can be supported where material considerations are also considered to be acceptable.

Issues raised by comments made about planning applications are summarised in the Report of Handling prepared by the planning authority for the case.

Further Information:

[Circular 3/2022: Development Management Procedures](#)

Permitted Development Rights

Permitted Development Rights (PDR) refer to those types of development which are granted planning permission through national legislation, meaning they can be carried out without a planning application.

The legislation containing PDR is the [Town and Country Planning \(General Permitted Development\) \(Scotland\) Order 1992](#) (“the GPDO”). PDRs are organised into a series of “classes”: each class specifies the type (or types) of development for which planning permission is granted. Most PDRs are subject to conditions and/or restrictions. These may, for example specify the maximum size or scale of what is permitted, restrict or dis-apply the rights in certain locations (e.g. conservation areas), or provide that the PDR only apply to certain developers (e.g. local authorities or statutory undertakers). If a developer cannot comply with the conditions and/or restrictions, then a planning application is required.

In some cases, PDR are subject to a process known as prior approval. This comes in various formats, some with a prior notification element, whereby the planning authority can decide whether its prior approval is even required in the case. Where prior notification applies, the developer must, before carrying out the development, apply to the planning authority for a determination as to whether specified aspects of the proposed development, such as its siting and design, require approval. If they do not, or if they fail to respond in the specified

period for prior notification, the applicant can proceed in accordance with the details as submitted.

Where prior approval is required, it can be granted, granted with conditions or refused by the planning authority.

Enforcement

Where development is undertaken without the required planning permission, or where the development does not match the permission granted (including complying with any conditions attached to the consent) that development is in breach of planning control.

Planning authorities are responsible for investigating alleged breaches of planning control in their areas and, if they consider that a breach has indeed occurred, may take enforcement action to resolve the breach. Generally, planning authorities will seek to resolve breaches through discussion with the responsible person(s) in the first instance. However, where this does not resolve the matter, or the breach is considered significant, they may proceed to use formal powers to resolve the matter.

Formal enforcement powers range from requiring a retrospective planning application, to requiring that unauthorised development ceases, or even that unauthorised buildings or structures be removed. Use of any formal enforcement powers is at the discretion of the planning authority and is required to be proportionate to the scale of the breach.

All planning authorities are required to publish and maintain an enforcement charter. This sets out the powers available to the planning authority, how the authority investigates and takes enforcement action, and how suspected breaches of planning control can be reported to the authority.

Further Information:

[Circular 10/2009: Planning Enforcement](#)

Appeals

There is a right to appeal to Scottish Ministers against certain decisions made by planning authorities. This includes planning, listed building and advertisement consent appeals as well as notices served by council's including enforcement and amenity.

Applicants for planning permission may appeal the refusal of a planning application, conditions imposed on a planning permission or where a decision has not been issued within a set timescale.

Not all appeals will be to Scottish Ministers. Depending on the type of application (National, Major, or Local), and how it was originally determined (delegated to officers or considered by elected members) the appeal could be considered locally by a Local Review Body (local developments delegated to an officer for decision) or by Scottish Ministers, frequently delegated to an appointed 'Reporter'. Planning applications for local developments which are decided by planning

officers rather than the planning committee should be made to the planning authority's Local Review Body.

Further Information:

[Scottish Government Planning and Environmental Appeals Division](#)

[Circular 3/2022: Development Management Procedures](#)

[Circular 4/2022: Planning Appeals](#)

[Circular 5/2013: Schemes of Delegation and Local Reviews](#)

Methods of engagement

Community Councils are well placed to engage with communities to understand their aspirations for their area and don't have to wait for the formal process of the Local Development Plan or planning application to do so. A variety of tools are available that can be used by communities to discuss their place. The Place Standard Tool helps communities to have structured conversations about their area, and use of the Place Standard is encouraged to inform the preparation of Local Development Plans.

Further information: www.ourplace.scot

Planning Guidance

National guidance on a variety of planning system topics is available

from the [Scottish Government website](#), frequently but not exclusively published as Planning Advice Notes.

Locally produced guidance may also be published on planning authority websites.

Further information

Scottish Government Planning and Architecture website - Guidance

Other useful information

- [PAS](#) – Independent advice and training on planning and environmental matters and encourages public engagement in planning.
- [Improvement Service](#) – Supporting improvement national programmes, resources, capability and capacity.
- Scottish Government Planning, Architecture and Regeneration Division web page for [Regeneration](#)
- [Transforming Planning](#) - Scottish Government's web page for planning system reform.
- [OurPlace](#) - Information, tools and resources to help support the development



Core funding from local authorities

Resourcing Community Councils is an issue where local authorities undertake arrangements to suit local circumstances. Some local authorities may provide Community Councils in their area with office space, administration budgets and administrative support, but this may not be the case everywhere.

Grants - Acceptable Areas of Expenditure

When a Community Council is established it may be awarded a start-up grant to cover initial administrative expenditure. In addition to this a Community Council, once established, will receive an annual administrative grant. Once the Community Council has been established the administration grant is paid annually, on submission of audited annual accounts covering all income and expenditure of the Community Council for the previous financial year, minutes and current bank statements.

The purpose of the administrative grant is to cover the costs in administering Community Council business. Examples of such costs are detailed below:

- Insurance
- Auditors' fees
- Production and circulation of minutes, agenda and annual reports
- Stationery

- Photocopying
- Postage
- Travel costs
- Telephone costs
- Accommodation lets
- Affiliation fees
- Subscriptions
- Bank charges
- Advertising
- General publicity and promotional activities.
- Consultation with the community.

Community Councils may generate income from sources other than the local authority. This income may also be applied towards expenditure not affect the grants awarded by the local authority. The accounts of the Community Council will however disclose all income from whatever source it is obtained and will show all expenditure even where it is not simply the expenditure of the local authority grants. Where an application is made to the local authority for grant

assistance, the whole financial circumstances of the Community Council will be considered to establish free and committed funds before the application for grant assistance is dealt with by the local authority.

Accounting Procedures – Cash

- Each Community Council should have a physical or electronic record of all income and expenditure. The date, description, amount and receipt number should also be recorded.
- The Community Council should nominate three unrelated office bearers to act as signatories to the Community Council bank accounts. All cheques and withdrawals should require two from three signatures. Any changes to authorised signatories should be approved by the Community Council. Where a Community Council uses online banking, it may not always be possible for two or three people to authorise payments, so permission should be noted alongside the record of the payment itself or in the minutes of the meeting where it was discussed and agreed.
- The level of cash held should not be excessive and should be in proportion to the monthly expenditure
- All income received should be banked and should not be used to directly meet expenditure. If funds are required for incurred expenditure, they should either be paid by cheque or bank transfer or alternatively cash should be withdrawn from the bank.

- Once a banking has been made the stamped bank pay-in slip should be retained and checked against the bank statement or bank book to ensure that the income has been credited correctly. If using online banking, a screenshot of the payment or an electronic copy of the statement should be generated to act as a check and record.

Accounting Procedures – Expenditure

- All expenditure must be approved and minuted in advance by the Community Council.
- All expenditure must be accompanied by proof of purchase, either an expenditure voucher or receipted invoice.
- Receipts should be given a sequential number and filed accordingly.
- Details of the expenditure should be recorded in the cash book as soon as the expenditure is incurred. Where a receipt is not available, the person making the purchase should complete a form stating the nature of the expenditure. The form should be authorised by a member of the Community Council committee.
- A current account will normally be used for day to day transactions with a further deposit and/or saving account, as required, so that interest may be attracted on accumulated funds.

- The treasurer should await the bank statements and once received should carry out a bank reconciliation to ensure that the bank balance agrees with the balance recorded in the cash book. All bank statements should be retained.
- Where petty cash is issued all petty cash vouchers should be signed by the person requesting the money and countersigned by the treasurer or other authorised signatory - this must not be the person who is requesting the expenditure. All receipts for items of expenditure should be retained and attached to the appropriate petty cash voucher.
- Reimbursement of travel expenses should only be available to persons on official Community Council business. Claimants should submit a detailed record of dates, times, destination, reason for travel and mode of transport. Reimbursement of travel expenses (for example bus, taxi, train, parking fees etc) should only be awarded if accompanied by an appropriate receipt.
- If the Community Council requires telephone calls to be made, reimbursement of expenses can be made at the discretion of the Community Council. The person making the claim should submit the itemised telephone statement highlighting the calls claimed. Reimbursement will be authorised by the Community Council.

Accounting Procedures - Annual Accounts

The following paragraphs merely reinforce income and expenditure matters dealt with earlier in this guideline.

- An annual income and expenditure statement of all accounts including all income and expenditure must be prepared at the end of the Community Councils' financial year and must be examined by a person unconnected with the fund. The independently examined accounts must be presented to the Community Council and in course a copy passed to the local authority officer.
- An example of an annual income and expenditure statement is detailed in the attached appendix. All of the information within the account is fictitious and used only as a guide on how to prepare accounts.

Accounting Procedures – Inventory

The Community Council must maintain an inventory detailing all the assets of the Community Council. The inventory should be updated on an ongoing basis for additions and deletions, and an example of an inventory is included at **Annex D**.

Non-financial support from local authorities

The amount of financial grant required by a Community Council will, to some extent, depend on what potential costs are met by the local authority directly.

Some of the following support resources may be supplied free to Community Councils by some local authorities. Where practicable local authorities are encouraged to provide adequate support to their Community Councils, but this may be done through the administration grant funding for the Community Council. This is not an exhaustive list, nor will all these services be provided by every local authority, but it gives some examples of the kind of support which may be available:

- Meeting space (in authority buildings, or if elsewhere paid by local authority directly)
- Dedicated space on local authority website
- Data protection costs
- Access to local project funding
- Community development staff employed by the local authority



Consultation and decision-making process

Civic engagement is central to modern democracy. The Scottish Government and other public bodies should ensure that individual Community Councils are consulted directly at the earliest possible stage in the development of policy and the decision-making process on local issues.

Any consultation document should include:

- an executive summary
- a clearly defined purpose leading to the consultation process
- clear objectives required from consultation process
- any document should be comprehensible, concise, jargon free and widely accessible
- specific questions in relation to the consultation exercise
- minimum response period of 12 weeks – longer if over a holiday period
- proposed timescale for outcomes
- feedback options including a choice of preferred format.

Irrespective of whether formal or informal, once the consultation process has been completed, and the responses analysed, then a summary of the responses, including any resulting proposals for

change or actions, should be made available in a variety of formats, such as:

- the organisation's website
- in paper format as requested
- through face to face sessions

At the onset of any consultation process, each organisation should ensure that the lead officer or staff member responsible for the consultation exercise is also responsible for co-ordinating the dissemination of feedback information, which should be made available in a range of appropriate formats. The feedback should provide an analysis of the responses received and an explanation of proposals for change in light of the consultation process. The outcome of consultation exercises should be made available by the consulting body.

There should be a resistance to publishing feedback as glossy brochures or the indiscriminate circulation of information in paper format. The analysed responses and proposals, which result from the consultation process, should be freely available.

The [National Standards for Community Engagement](#) set out good practice principles to help guide the process of good community engagement.

Data protection

The Data Protection Act 2018 (alongside UK GDPR) governs the use of personal data, which ensures the fair and proper use of people's information and their right to privacy. It imposes important obligations on any persons or organisations, including Community Councils, which acquire, store, use or deal with personal data - either electronically or within certain paper records. Whilst failure to comply with the Act's requirements can have serious legal consequences, community councillors should be reassured that most breaches are likely to simply require remedial action to be undertaken and would not be deemed to be criminal offences. Good practice in data protection is vital to building public trust in the organisation.

Personal Data and Sensitive Personal Data

- Special rules govern the processing of sensitive personal information
- “Personal data” means any information by which it is possible to identify a living individual (referred to in the Act as a “data subject”). Information on individuals who have died is not personal data.
- “Sensitive personal data” means information regarding such things as an individual's racial or ethnic origin, political or religious beliefs, physical or mental health and sexual life. This is Special Category data and requires additional protection under data protection law. Special rules apply to sensitive personal data and

Community Councils should seek advice if they hold any sensitive personal data (other than that which is in the public domain such as the political affiliation of local elected members or the denominations of clergy).

- The Act regulates the processing of personal data. “Processing” means acquiring data, storing it, amending or augmenting it, disclosing it to third parties, deleting it – i.e. doing anything with it at all. A data controller is the organisation that determines the purpose, reason and means of processing data. The data controller has overall control and ownership of the data. Further information on processing personal data can be found on the ICO website: [Lawful basis for processing](#)
- The Act applies to personal data which is held in any kind of storage system, whether electronic or manual.

The Data Protection Principles

The Act sets out some basic rules regarding processing personal data, known as the Data Protection Principles. These are –

- Principle 1: Data must be processed fairly, lawfully and transparent
- Principle 2: Purpose Limitation Data must be obtained for one or more specified and lawful purposes, and must not be processed in any manner incompatible with those purposes

- Principle 3: Data Minimisation - data must be adequate, relevant and not excessive
- Principle 4: Accuracy - data must be accurate and kept up to date
- Principle 5: Storage Limitation - data must not be kept longer than necessary
- Principle 6: Accountability - data must be processed in accordance with the data subject's rights
- Principle 7: Integrity and Confidentiality (security) - appropriate technical and organisational measures must be taken against the data's unauthorised or unlawful use and their accidental loss, damage or destruction

Data Subjects' Rights

The Act gives important rights to data subjects, including the right –

- To be informed that their personal data is being processed by the data controller
- To be given access to their personal data
- To require their personal data not to be used for direct marketing purposes

- To require the data controller to stop any processing of their personal data which is causing substantial and unwarranted damage or distress

Contravention of the Act

- Data breaches must be reported to the relevant supervisory authority (the Information Commissioner's Office) within 72 hours of becoming aware of the breach. If the breach is high risk, affecting individual rights and freedoms then the individual must be informed immediately.
- A robust means of detecting breaches, with investigating and reporting procedures should be in place. All breaches should be recorded whether or not they need to be reported to the supervisory authority.
- Current offences include the unlawful obtaining, disclosing or selling of information, a failure to follow a Notice from the Commissioner and the failure to notify the Commissioner of processing which takes place. These offences are punishable by the payment of a fine.
- Compensation may be payable to any person who suffers damage and distress as a result of a contravention of the Act. Such compensation is awarded by the Court.

The Information Commissioner

The role of the Information Commissioner is to uphold information rights in the public interest, and is located at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF and applies throughout the UK. The Commissioner has powers under the Act to issue Notices to data controllers, requiring them to provide him with information regarding their compliance with the Act, or to carry out certain steps under the Act; as indicated above, failure to comply with a Notice is a criminal offence. He also has power to carry out investigations, including the power to enter data controllers' premises.

The Commissioner publishes detailed guidance on various aspects of the Act on his website at www.ico.gov.uk Advice can also be obtained from the ICO's Scottish office in Edinburgh at Scotland@ico.gsi.gov.uk or 0131 225 6341 (The Information Commissioner should not be confused with the Scottish Information Commissioner, who enforces the Freedom of Information (Scotland) Act 2002.)

Notification to the Information Commissioner

All data controllers are obliged by the Act to notify the Information Commissioner of the classes of personal data which they are processing, the purposes for which they are processed and the recipients to which the data may be disclosed. Community Councils only need to notify if personal data are processed electronically. This information is included in the Commissioner's Register of

Notifications, which is open to public inspection. Unless within an exempt category, it is a criminal offence to process personal data without first notifying the Commissioner. It is likely that only a few Community Councils will be covered by an exemption.

Complying with the Data Protection Act

Community Councils must comply with the Data Protection Act because they process personal data as defined under the Act. For example, it is likely that the Secretary of Community Councils will hold electronic records of contact details of its members, of some local residents and of elected members or employees of the local authority. These may be within databases, Minutes of meetings or in correspondence

In order to comply with the Act, Community Councils should take the following steps:

- Nominate someone (e.g. the Secretary) as the person responsible for data protection.
- If collecting personal data from individuals, you should explain the purpose for which the data is being collected as well as giving them the name of the Community Council and the name of the person nominated as being responsible for data protection.
- Ensure that personal data are properly protected – if data are

stored electronically, ensure that they are password-protected and (in sensitive cases) encrypted. If they are stored manually (e.g. a paper filing system), ensure that the files are kept in a secure place.

- Ensure that personal data are never disclosed to any unauthorised third party, whether accidentally or on purpose. Do not discuss personal issues in public or leave papers or computer files unsecured at home.
- Periodically review the personal data that are held, making sure that they remain accurate and up to date – where necessary dispose of or shred data that are no longer needed.
- **VERY IMPORTANT:** notify the Information Commissioner of the personal data which are being processed, the purposes for which they are processed and the recipients to which the data may be disclosed. It is a criminal offence to process personal data without having first notified the Commissioner.
- Before notifying, identify what personal data are held and who the data subjects are; ascertain the purposes for which the data are to be used; identify where and how the data are stored or recorded. This will assist in completing the notification template.
- Notification can be done online at the Commissioner’s website by going to:

- www.ico.gov.uk/what_we_cover/data_protection/notification.aspx and then by following the step-by-step directions given there. The website includes standard templates for different types of organisations, including a set of local and central government templates; this includes, in turn, standard template N958 – Scottish Community Council. By clicking on that template, the standard classes and uses of personal data for Community Council are automatically included in the notification. Check the details and modify the form before printing it off, signing and posting to the Commissioner.
- Alternatively, a Community Council may send the required information, as shown below, to notification@ico.gov.uk and ask for a template for a Scottish Community Council to be completed. The Information Commissioner’s Notification Department will then provide a draft for the Community Council to approve/amend as necessary.
- Community Councils can also phone the Information Commissioner’s Notification Helpline on 01625 545 740 and ask for a draft template for a Scottish Community Council to be completed. The required information (as shown below) should be given over the phone.

The information needed is as follows:

- Community Council name

- Community Council address
- Contact name and role in the Community Council (i.e.Chair/Secretary/Treasurer)
- Contact address
- Contact telephone number
- Contact fax (if available)
- Contact e-mail address

Notification currently costs £40 or £35 if you pay by direct debit and must be renewed annually.

This section is designed to provide only general information about data protection. If you have any specific queries regarding these issues, you should contact the relevant staff at your local authority for advice and guidance.



License applications

Community Councils have a statutory right to be consulted on licensing under section 21 (1) b of the Licensing (Scotland) Act 2005, which places a duty on Licensing Boards to notify the Community Council of all applications they receive for premises licences. This is a new duty and a change from what was previously provided for in the Licensing (Scotland) Act 1976.

The Licensing (Scotland) Act 2005 contains provisions about notification of Board applications and objections and the link to the legislation is available here: [Licensing \(Scotland\) Act 2005](#)

Licensing Boards are encouraged to consult widely within their respective areas and the 2005 Act ensures that:

- Licensing Boards are required to notify the Community Council of any new premises licence application or application to substantially vary how a premises operates
- Community Councils are able to object or offer representations to an application and request Licensing Boards hold a hearing to review a licence if it is operating outwith the premises licensing conditions or the licensing objectives
- Local authorities employ a Licensing Standards Officer whose duties include mediating with licensed premises to try and solve problems including those raised by Community Councils

- Licensing Boards are required to involve people resident in the locality in consultation on a Board's Licensing Policy Statement or overprovision assessment, which could include reference to how it intends to involve Community Councils in Licensing Board matters.

The Scottish Government issued statutory guidance to Licensing Boards under Section 142 of the 2005 Act and this guidance is frequently referred to as "Section 142 guidance". However, it is recognised that the Guidance cannot anticipate every possible scenario that may arise. Licensing Boards may therefore depart from the Guidance if they have reason to do so but must give the Scottish Ministers notice of the decision together with a statement of reasons for it.

The Licensing (Scotland) Act 2005 Section 142 Guidance for Licensing Boards was updated in January 2023 and is available here: [Licensing \(Scotland\) Act 2005 Section 142 Guidance for Licensing Boards](#)

Equality, diversity and Community Councils

The purpose of this section is to ensure Community Councils are aware of the general responsibilities relating to equality and diversity and how they can play an important role in promoting and supporting equality in the community.

Public Sector Equality Duty

Community Councils are subject to the Public Sector Equality Duty (PSED) under Section 149 (2) of the Equality Act 2010 which states “A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1)” which states:

A public authority must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Section 149 of the Equality Act 2010 is available here: [Equality Act 2010](#)

The PSED replaces the race, disability and gender equality duties. The PSED applies to the ‘relevant protected characteristics’ – age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation and, to a more limited extent, to the protected characteristic of marriage and civil partnership.

The Equality and Human Rights Commission (EHRC) are the enforcement body and it is their responsibility to provide guidance on the Equality Act 2010 and the PSED.

A link to their technical guidance on the PSED in Scotland is available here: [Technical guidance on the Public Sector Equality Duty: Scotland](#)

How can Community Councils help promote equalities in their areas?

- find out about the makeup of the area – how many people of different races, with disabilities or of different genders live in the area
- make sure that any advertising is accessible to all, and that meetings take place in accessible buildings at times that suit everyone

- try to engage ‘under-represented communities’ – help to do this is available from your Community Council liaison officer or your local council for voluntary service
- run local events in partnership with local equality groups, e.g. ethnic groups, disability and other community groups
- always consult about how any plans would affect all members of the community
- act in an inclusive manner when inviting speakers from ethnic, disability and community groups to discuss difficulties they are experiencing in the community with the Community Council
- make it clear that the Community Council will not support any discrimination, harassment or victimisation



The role and remit of the Scottish and UK Parliaments

The Model Scheme for the Establishment of Community Councils specifies that Members of the Scottish and UK Parliaments are ex-officio* members of Community Councils within their constituency or region. Below is an outline of the roles and powers of the various Parliaments.

* Member generally taken to be a person, who, by virtue of an office or position held, is officially attached to a committee as a non-voting member

The Scottish Parliament

Scotland, Wales and Northern Ireland all held successful referendums on devolution in the late 1990s. In Scotland's case, this led to the establishment of a separate Parliament following the passing of the Scotland Act 1998. The Scottish Parliament took responsibility for its devolved powers on 1 July 1999.

Devolved and reserved powers

Devolved powers relate to policy areas which are under the remit of the Scottish Parliament, such as education and health. Reserved powers are those decisions that remain with the UK Parliament in Westminster. Which powers are devolved, and which are reserved are determined by legislation. The Scotland Act 2016 devolved a range of further powers to the Scottish Parliament, including Income

Tax, control over some existing benefits and the ability to create new welfare payments.

Scottish Parliament – devolved powers

The role of the Scottish Parliament is to make laws in relation to devolved matters in Scotland. All matters that are not specifically reserved are devolved. Devolved matters over which the Scottish Parliament has legislative power include:

- Health
- Education and training
- Local government, social work and housing
- Economic development and transport
- Law and home affairs
- Income Tax and some welfare powers
- Environment
- Sport and the arts
- Agriculture, forestry and fishing

The Scottish Parliament is also able to examine devolved matters and debate a wide range of issues of interest and concern in Scotland, whether devolved or reserved.

The UK Parliament and reserved powers

With the advent of the Scottish Parliament in 1999, the UK Parliament retained authority over those sections of legislation not devolved to the Scottish Parliament, the Northern Ireland Assembly, and the Welsh Assembly. In terms of Scotland, authority over the following areas are retained by Westminster:

The constitution, which in the UK is a collection of documents, customs and practices which have evolved over centuries.

- Defence and national security
- Economy
- Trade and industry
- Transport (not devolved to Scotland) such as transport safety and regulation
- Social Security (responsibility for some benefits have now been devolved to the Scottish Parliament and are delivered by Social Security Scotland)

- TV and radio broadcasting
- Foreign affairs
- Immigration and nationality
- Energy policy

Annex A. Chair: Formal and enabling roles

During meetings, the Chair can be described as having two main roles - formal and also enabling. The following table details the various elements of these two roles:

The Formal Chair	The Enabling Chair
<i>General role and responsibilities</i>	
Ensure fair play	Have an overview of the task/ goals of the meeting
Stay in charge	Help to clarify goals
Remain neutral	Help the group to take responsibility for what it wants to accomplish and to carry out its tasks
Have little emotional investment	
<i>Agenda and timekeeping</i>	
Open the meeting	Run through the agenda at the beginning and get the meeting's approval for it
Introduce all agenda items	Arrange in advance for someone to introduce each agenda item
Be familiar with all agenda items	Update latecomers
Get through the agenda in allotted time	Keep track of the time

The Formal Chair	The Enabling Chair
Evaluate how the meeting went	
<i>Discussion</i>	
Select speakers	Encourage and help all to participate and ensure different opinions are represented
Summarise discussion	Encourage expression of various views
End discussion	Encourage people to keep to the subject
Ensure that people keep to the subject	Clarify and summarise discussion
Make it safe to share feelings	
Suggest ways of handling conflict	
<i>Decision making and voting</i>	
Ensure decisions are taken and agreed	Suggest structures for decision making
Decide when to and conduct the vote	Look for and test areas of agreement

The Formal Chair	The Enabling Chair
<i>Rules</i>	
Check that the meeting has been called in accordance with the rules	
Have a thorough knowledge of the rules	
Rules on points of order and procedure	
<i>Outside the meeting</i>	
Act on behalf of the organisation	
Pursue decisions made in meetings	
Represent the Council to outside bodies	
Ensure someone will carry out decisions	Ensure that responsibility for action is allocated

Annex B. Guide timetable for a review of a council's 'Scheme for the Establishment of a Community Council'

Date	Event	Description
1. February	Special Council Meeting. Both areas and composition and draft Amended Scheme and associated documentation.	As part of a report on the current scheme, of Community Councils, Council to consider a recommendation to amend the existing scheme and make a new scheme for the establishment of community councils.
2. February	(2) Publish Public Notice. Areas/Composition.	Give public notice of the Council's intention to amend the existing scheme and make a new scheme for the establishment of Community Councils. Period of 8 weeks from February to April

Date	Event	Description
3. May	Special Council Meeting. Areas/Composition.	Council to consider suggestions from the first consultation period and agree a draft amended scheme for consultation
4. May	(3) Publish Public Notice. Draft Amended Scheme and associated documentation.	Give public notice of the Council's draft amended Scheme. Period of 8 weeks from May to July
5. August	Special Council Meeting Draft Amended Scheme and associated documentation.	Council to consider suggestions to the draft amended scheme and agree a final draft amended scheme for consultation
6. August	(4) Publish Public Notice. Both.	Give public notice of the Council's final draft amended scheme for the establishment of Community Councils. Period of 4 weeks from August to September

Date	Event	Description
7. November	Special Council Meeting. Both.	Council to consider suggestions to the final draft amended scheme; alter if required; and formally approve the amended scheme.
8. December	(5) Publish Public Notice. Establishment Process/Notice for currently non- established community council areas.	Give public notice of the Council's amended scheme; and invitation to electors to apply for establishment (where there is no Community Council currently in existence).

Within the context of each of the consultation stages, there are administrative tasks to be undertaken, such as direct notification to and the provision of, plans and associated documentation to all Community Councils and placing of same, for general public access and scrutiny, in appropriate locations across the local authority area. Each local authority, outwith its normal decision-making processes, will have its own methodology when it comes to briefing elected members.

Annex C1.

(2) COUNCIL

Local Government (Scotland) Act 1973

Proposed Amendments to the Council's Scheme for the Establishment of Community Councils

Notice is hereby given, that Council, in exercise of the powers conferred upon it by Section 53 (1) of the above mentioned Act, proposes to amend the Scheme for the Establishment of Community Councils.

A Special Meeting of the Council, held on, agreed to a public consultation exercise on proposed amendments to the Scheme.

The initial consultation process will be held over two 8 week periods. The first consultation period shall address the Plan of Community Councils' Areas and Disposition and the second period shall address the Scheme itself, together with associated documentation. A final 4 week period of consultation will be held prior to adoption of any amendments.

A plan of the proposed amendments to Community Council areas and disposition may be examined at:-

Council Headquarters,.....;

All Libraries; and

On the Council's website, at: www.....gov.uk

Any person or organisation wishing to make written representations on the proposed amendments should address them to,

.....,

within a period of 8 weeks from publication of this Notice.

.....

Chief Executive,

..... Council.

Annex C2.

Local Government (Scotland) Act 1973 Proposed Amendments to the Council's Scheme for the Establishment of Community Councils

Notice is hereby given, that Council, in exercise of the powers conferred upon it by Section 53 (1) of the above mentioned Act and in the second period of the consultation process published, proposes to amend the Scheme for the Establishment of Community Councils.

A Special Meeting of the Council, held on, agreed to a public consultation exercise on proposed amendments to the Scheme to be held over two 8 week consultation periods.

This second period of consultation addresses the Scheme itself, together with associated documentation.

The proposed amendments to the Scheme for the Establishment of Community Councils and Associated Documentation may be examined at:-

Council Headquarters,..... ;

All Libraries; and

On the Council's website, at: www.....gov.uk

Any person or organisation wishing to make written representations on the Scheme for Establishment of Community Councils and Associated Documentation should address them to,, within a period of 8 weeks from publication of this Notice.

.....

Chief Executive,

..... Council.

Annex C3.

Local Government (Scotland) Act 1973 Proposed Amendments to the Council's Scheme for the Establishment of Community Councils

Notice is hereby given, that Council, in exercise of the powers conferred upon it by Section 53 (1) of the above mentioned Act, has concluded the initial two periods of 8 week public consultation on proposed amendments to the Scheme for the Establishment of Community Councils

A Special Meeting of the Council, held on agreed to give public notice of these amendments and a final 4 week period to make representations, prior to its adoption.

The Amended Scheme for the Establishment of Community Councils, together with Associated Documentation and the Amended Plan of Community Council Areas and Disposition may be examined at:-

Council Headquarters,..... ;

All Libraries; and

On the Council's website, at: www..... gov.uk

Any person or organisation wishing to make written representations on the proposed final amendments should address them to, , within a period of 4 weeks from publication of this Notice.

Where no representations have been made, the Amended Scheme for the Establishment of Community Councils (associated documentation and areas and composition) will have effect as amended by the proposals.

.....

Chief Executive,

..... Council.

Annex C4.

Local Government (Scotland) Act 1973 Adoption of Amendments to the Council’s Scheme for the Establishment of Community Councils

Notice is hereby given, that Council,
in exercise of the powers conferred upon it by Section 53 (1) of the
above mentioned Act, has concluded the public consultation exercise
on proposed amendments to the Scheme for the Establishment of
Community Councils.

A Special Meeting of the Council, held on
agreed to adopt the Amended Scheme for the Establishment of
Community Councils, together with Associated Documentation and
Plan of Community Councils’ Areas and Disposition, with immediate
effect.

The adopted Amended Scheme for the Establishment of Community
Councils, together with Associated Documentation and the Plan of
Community Council Areas and Disposition may be examined at:-

Council Headquarters..... ;

On the Council’s website, at: www..... gov.uk

An invitation is therefore extended to residents aged 16 years and
over and whose name appears on the electoral register, within

Community Council areas featured below, to petition the Council for
an establishment process to be initiated:-

.....
.....
.....

Requests for advice and practical assistance on the process for
establishment of a Community Council should be directed to

.....
.....

Chief Executive,
..... Council.

Annex D.

COMMUNITY COUNCIL STATEMENT OF ACCOUNTS

Income Expense Account for period of _____ to _____

	£'s	£'s
Balance brought forward		
Income		
Admin Grant	0.00	
Discretionary Grant	0.00	
Bank Interest	0.00	
Expenditure		<u>0.00</u>
Insurance	0.00	
Accommodation Costs	0.00	
Auditors Fees	0.00	
Subscriptions	0.00	
Travel Expenses	0.00	
Publication of Minutes & Agendas	0.00	
Publication of Newsletters	0.00	
Stationery	0.00	
Photocopying	0.00	
Postage Costs	0.00	
Telephone Costs	0.00	
Other Expenses	0.00	
Other Expenditure	0.00	
		<u>0.00</u>
Balance Surplus		<u>0.00</u>

Represented by: _____

Cash In Bank

Cash In Hand (Treasurer's Float)

0.00

As Prepared by

Examiner's Details

Name _____

Designation _____

Organisation _____

Address _____

Telephone _____

_____ explanations.

Signed _____ (Examiner)

Date _____

Chairpersons Signature _____ Date

Treasurer's Signature _____ Date

Annex E. Community Council information pages by local authority

[Aberdeen City Council](#)

[Aberdeenshire Council](#)

[Angus Council](#)

[Argyll and Bute Council](#)

[City of Edinburgh Council](#)

[Clackmannanshire Council](#)

[Comhairle nan Eilean Siar](#)

[Dumfries and Galloway](#)

[Dundee City Council](#)

[East Ayrshire Council](#)

[East Dunbartonshire Council](#)

[East Lothian Council](#)

[East Renfrewshire Council](#)

[Falkirk Council](#)

[Fife Council](#)

[Glasgow City Council](#)

[Highland Council](#)

[Inverclyde Council](#)

[Midlothian Council](#)

[Moray Council](#)

[North Ayrshire Council](#)

[North Lanarkshire Council](#)

[Orkney Islands Council](#)

[Perth and Kinross Council](#)

[Renfrewshire Council](#)

[Scottish Borders Council](#)

[Shetland Islands Council](#)

[South Ayrshire Council](#)

[South Lanarkshire Council](#)

[Stirling Council](#)

[West Dunbartonshire Council](#)

[West Lothian Council](#)

Community Councils Project
Improvement Service
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Email: scottishccs@improvementservice.org.uk
communitycouncils.scot

