Stirling Council

Community Council Handbook

Support Guide for Community Councils
and Community Councillors
in the Stirling Council area

December 2019

Community Engagement Team

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What is a Community Council?

A Community Council is a voluntary organisation set up by statute by the Local Authority and run by local residents to act on behalf of its area. As the most local tier of elected representation, Community Councils play an important role in local democracy.

Community Councils are made up of people who care about their own communities and want to make their area a better place to live. Community Councillors represent local people, voice peoples' views on important decisions which affect them and work with others to improve services. It is important that a range of people are part of a Community Council so different opinions and ideas are heard.

Community Councils in Stirling Council area

There is provision for 42 Community Council within the Stirling Council area which are based on identifiable communities as far is possible. Elections for Community Councils take place approximately every four years (dependant on local elections) where people are nominated to stand as new Community Councillors. If there are more nominations than places on the Community Council, a postal ballot takes place. The next Community Council elections will take place in 2023.

Support for Community Councils

The Community Engagement Team provides support and training to Community Councils in the area. To contact the team T. 01786 233076 E. communityengagement@stirling.gov.uk

Guidance Sheets

- Stirling Council Community Council Boundary map

- Role of the Community Council

- Role of the Community Councillor

- Role of the Office Bearers

- Planning & Licensing

Community Council areas of Stirling
August 2018

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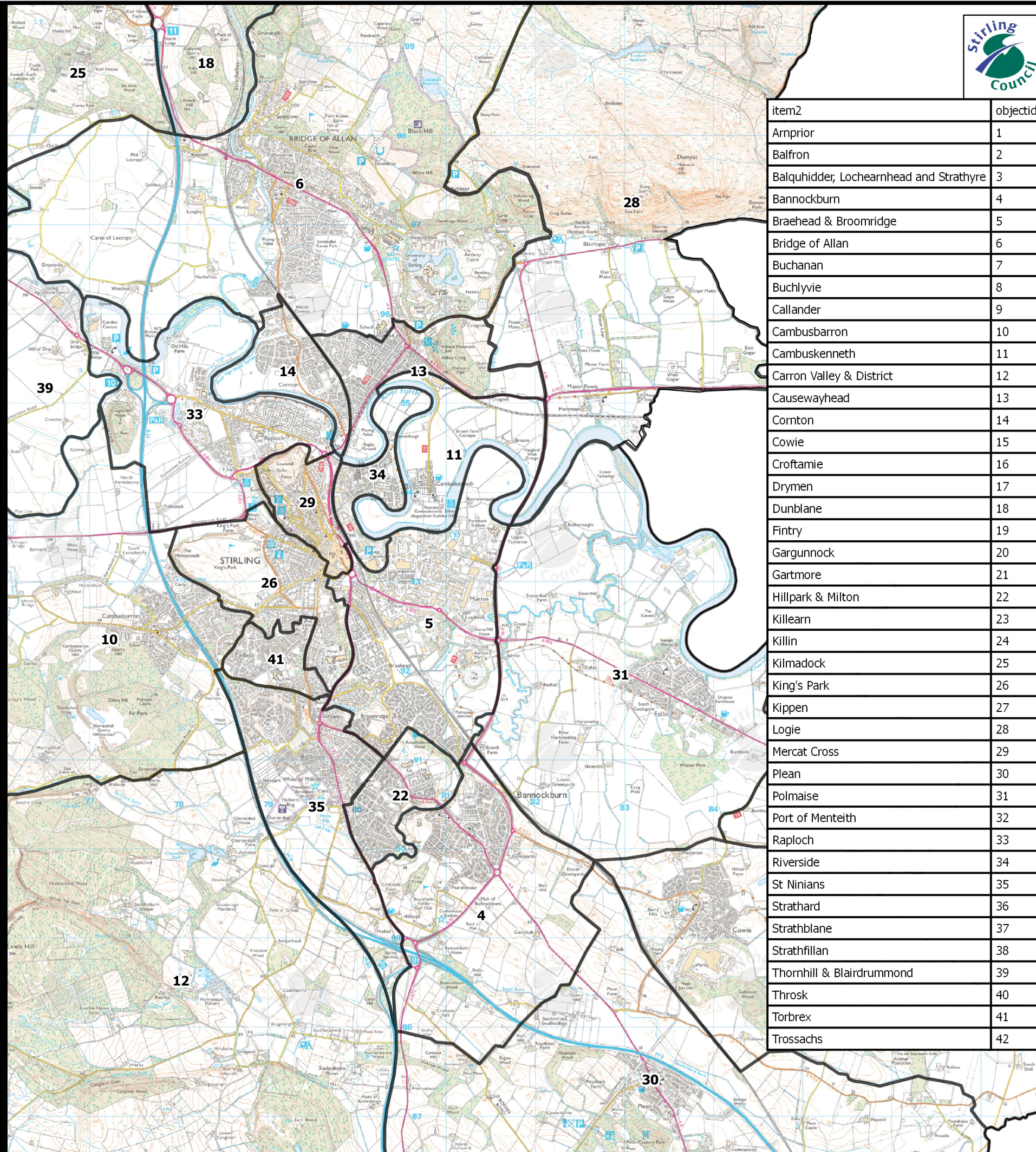
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Community councils were introduced through the Local Government (Scotland) Act 1973. They are voluntary organisations. The Act defined the purpose of a community council as:

> *"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."*

The main areas of responsibility lie in –

- o **Running the Community Council effectively**, ensuring its work is fair and transparent, and within legal guidelines.

- o **Engaging and discovering community views** – finding out what is important to everyone in the area and their opinions on issues and activities which affect them.

- o Expressing those views by **representing the community** at meetings and events, commenting on planning and licensing applications and communicating with the Local Authority and other public bodies.

A Community Council may also decide to take forward activities themselves or in partnership with other groups, to benefit their community and meet community needs.

This means Community Councils can be involved in a wide variety of issues and activities from road improvements, youth projects, environmental projects, upgrading of amenities and community initiatives, both on their own and in partnership with other agencies.

They can act as a campaigning body in raising awareness of specific local issues and support local groups and initiatives through securing funding and passing on knowledge.

Legal Requirements

A Community Council is expected to act within the law such as in terms of equality and diversity, licensing, health and safety, data protection and other requirements related to their activities and projects.

Fairness and Transparency

Since Community Councils must represent all people in the area without prejudice they should:

- Be non-party political and non-sectarian.
- Represent a full cross-section of the community and encourage the involvement of people regardless of gender, race, age, disability, nationality or sexual orientation.

Conduct

A Code of Conduct for Community Councils is in place setting principles to make sure all Community Councillors act in a manner expected of someone who is representing their community. This Code should be followed by all Community Councillors and where it is felt that a Community Council or Councillor(s) breaches the Code, a complaints process is in place for it to be considered.

Consultation - Planning

Planning is the process of how land is used and since 1996 Community Councils have had to be consulted by the Local Authority on local planning applications.

Stirling Local Development Plan covers the whole of the area and sets out a planning framework for how land can be used now and in the future taking into consideration the wider economic, environmental and social challenges that the area will face.

Based on the Local Development Plan, the Planning system in the Council then decides whether developments can go ahead and are in the public interest by refusing or granting planning permission. Applications for planning permission are published weekly in the Planning Schedule and that is sent to the relevant Community Council.

Community Councils then consider the application and make comments or representation by letter, petition or email in the timescale if necessary. Their role is not to make a decision on approval but to represent the community views on the application. Many Community Councils have a Planning Officer and separate planning sub-groups to deal with these applications.

Consultation - Licensing

Community Councils are also consulted by the Licensing Board in the area on any new or major changes in existing license application for premises. They can object or make representation/comment on the application to the Licensing board.

Checklist

Running the Community Council effectively	
Work within the law	
Work within the Scheme of Establishment	
Ensure the Community Council Code of Conduct is followed	
Adopt and abide by a constitution	
Make agendas and minutes publicly available and forward them to the the local authority	
Advise their community and local authority of meeting details and any changes	
Submit approved independently checked accounts to the local authority	
Inform the local authority of any change in membership	
Make people aware of the Community Council's role and contact details	

Engaging and Discovering Community Views	
Raise awareness of community issues, providing information and context	
Encourage people to bring forward their views and opinions	
Respect all views and opinions	
Create strategies to broaden the variety of views especially from those groups that are hard to reach	
Discourage opinions which personalise or discriminate against individuals or sections of your community	
Adopt appropriate methods of gathering views which allows everyone to participate	
Be accountable to your community	
Work with others to ensure priorities are achievable and realistic	

Representing Your Community	
Be the voice of their community	
Provide information, opinions and context on community issues to public bodies and agencies where appropriate	
Work in partnership with others on projects and activities which affect their community	
Consider and comment on planning applications	
Where appropriate make representation on licensing applications	
Develop working relationships with the local authority and other public bodies	
Promote the well-being of the community and foster community spirit	
Encourage and support local groups and organisations with their projects and activities	

Role of the Community Councillor

Community Councillors represent their community and residents' views. They are responsible for feeding into decision-making processes which affect their community for the benefit of that community and for public money being spent wisely and fairly. It is important the Community Councillors understand they are accountable for any decisions made and actions they take.

Impartiality

At times a Community Councillor's views may differ from their communities. The views of the community must take precedence to maintain the trust and confidence of local people. Differing view are normal in any community but it is important to approach decisions and priorities in a fair and reasonable manner being clear and transparent about how decisions were made and why. This means taking a balanced view of the community's needs and aspirations and giving a fair hearing to representatives with different viewpoints.

It is important that community confidence and trust in the Community Council is not broken so there is a Declaration of Interest process which Community Councillors should adhere to when taking part in decision making and voting processes.

Conduct

A Code of Conduct for Community Councils is in place setting principles to make sure all Community Councillors act in a manner expected of someone who is representing their community. This Code should be followed by all Community Councillors and where it is felt that a Community Council or Councillor(s) breach the Code, a complaints process is in place for it to be considered.

Representing your Community Council

The wider the range of people involved in the Community Council and its business the better in terms of representation. So Councillors should raise awareness of Community Council business, activities and elections, encouraging membership or associate membership where specific expertise is needed. Particular efforts need to be made to encourage young people and other under-represented groups to attend or be involved in some way in community council meetings.

Community Councillor Role Checklist

Running the Community Council effectively	
Work within the role of the Community Council	
Work within the rules of the Community Council	
Inform the Community Council of any conflict of interest	
Be accountable for any decisions and actions they take	
Follow the Code of Conduct	

Engaging and Discovering Community Views	
Encourage people to bring community issues to you so that you can take them up at Community Council meetings	
Encourage views from everyone and work on securing greater involvement from less active sections of the community	

Representing Your Community	
Work to improve and benefit their community	
Work with the others both on the Community Council, in their community or in other groups and agencies	
Promote the work and membership of the Community Council to others	
Act as a voice for their community	

Community Councils must have a Chairperson, Vice-Chair, Secretary and Treasurer as well as a Planning and Licensing Correspondent to deal with planning and licensing issues. Office bearers are responsible for the efficient and effective operation of the Community Council but this does not mean they do all the work. 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.

Office bearers are elected at the first meeting of the Community Council after elections and thereafter at the Annual General Meeting. No member can hold more than one office at any one time without the approval of Stirling Council. If the Chair stands for re-election and has already served as Chair for four or more consecutive years, the Community Council must at the AGM approve their nomination by a simple majority of those present and eligible to vote, by secret ballot.

The Chairperson

The Chairperson has an important role in making sure meetings and business run smoothly. They are elected in line with the Community Council's *Constitution* and are expected to fully understand the roles, procedures and rules governing the Community Council to be able to take the role as mediator if a disagreement arises.

Chairs will:

- Prepare agendas in consultation with others and the Secretary.
- Ensure meetings are run effectively on time and to the agenda.
- Ensure all discussions and decisions are taken in a democratic and participative way - sum up so that action points are agreed; encourage participation in discussions.
- Ensure voting is fair and have the casting vote in the event of a split decision.
- Ensure all business is done to the governing rules.
- Represent the Community Council with outside bodies.

Vice Chair

The Vice-Chair supports the Chair in the running of the Community Council and stands in for the Chair when he or she is unable to be attend meetings or events.

The Secretary

The Secretary has responsibility for much of the administrative tasks in the Community Council.

The role includes:

- Setting the agenda with others and distributing it before meetings
- Taking a true record of all meetings (minutes)
- Ensuring that minutes of meetings are sent to the local authority and are publicly available
- Dealing with all correspondence including writing letters as required
- Distributing information to members
- Arranging speakers and guests (could be passed to others)
- Arranging venues (could be passed to others)

Community Councils can hire the services of an external minute taker to minute each of their meetings, and financial help is available towards this; Stirling Council will award a Minute Grant based on the number of meetings to be held by each individual Community Council during the financial year April – March.

The Minute Grant will be paid out during the year once the Community Council has submitted their AGM Minutes and independently examined and signed Annual Accounts to Stirling Council. If not submitted the Grant will not be paid.

The rate for the year April 2019-March 2020 will be £40 per meeting.

This is only available for external minute takers; no grant is paid where a Community Councillor takes the minutes.

The Treasurer
Financial records and proper financial procedures are very important for any community group and equally so for a Community Council. The Treasurer's role includes:

- Managing the Community Council's bank account
- Keeping accurate accounts of all receipts and expenses so they can give an update on the financial position
- Issuing cheques, ensuring they are signed by two signatories and are for relevant business as approved at meetings
- Responsibility for petty cash
- Preparing an Annual Statement of Accounts and having these approved by a knowledgeable and responsible person
- Ensuring approved accounts are sent to the local authority

Planning and Licensing Correspondent
As part of their role Community Councils need to handle and often comment on planning and licensing applications. Training is available.

Other posts a Community Council might consider include:

- Publicity Officer – to deal with public communication (noticeboards, news sheets, websites) and consultations
- Events Officer
- Fundraising Officer

Planning

The purpose of planning is to improve the places where we live, work and play. Planning guides future change to improve places, the environment and communities. Planning can have a major impact on our health, wellbeing and prosperity

Community Councils can be consulted by the Local Authority on local planning applications and are encouraged to focus consideration on applications that raise genuine wider community interest.

Stirling Local Development Plan covers the whole of the area and sets out a planning framework for how land can be used now and in the future taking into consideration the wider economic, environmental and social challenges that the area will face. Planning applications are decided on the basis of the Local development Plan unless there are good relevant planning considerations not to do so. What is and is not a relevant planning consideration is defined legally. Sometimes genuine concerns are not matters that planning can take into account.

Applications for planning permission are published weekly in the Planning Schedule and sent to the relevant Community Council.

Community Councils can make a comment on any planning application that raises community interest. Your comment will then be handled as a consultation response. You are encouraged to provide comments that are representative of the community. Community Councils need to be mindful of timescales to determine planning applications. We will accept comments on a planning application beyond the statutory period of 21 days, however, we cannot delay determination of a planning application that is otherwise ready to be determined. Many Community Councils have a Planning Officer and/or separate planning sub-groups to deal with applications within timescales.

Where planning applications are determined by the Planning and Regulatory Panel you can request a hearing so that you can present your representation to the Planning and Regulatory Panel.

For more information see the Council's website

https://my.stirling.gov.uk/services/planning-and-the-environment/planning-and-building-standards/planning-applications-warrants-and-certificates/planning-applications/planning-your-questions

Licensing

Community Councils are consulted by the Licensing Board in the area on any new or major changes in existing license applications for premises. They can object or make representation/comment on the application to the Licensing Board.

For more information see the Council's website

https://my.stirling.gov.uk/services/law-and-licensing/licences,-permits-and-permissions/licences-alcohol/licences-licensed-premises-hotels

The *Scheme for the Establishment of Community Councils* is adopted by each Local Authority and sets out a basic framework for how they can be created and how they operate. It covers topics such as roles, membership, elections; meetings and responsibilities.

Within the Scheme, Community Councils have a *Constitution* (adhering to the Scheme); *Standing Orders* to govern procedures; and a *Code of Conduct*.

Guidance Sheets

- Membership

- Co-option Process and Co-option Form

- Meetings

- Agenda Template

- Minute Template

- Code of Conduct

- Declaration of Interest

- Complaints

- Removal of the Chair Process

Community Council Membership

Members

Each Community Council has a minimum and maximum number of members it is allowed based on a formula which takes into consideration the population and area for rural Community Councils. The numbers for each Community Council are published at the back of the *Scheme of Establishment*.

To be a voting member of a Community Council a person has to be
- 16 years or over
- Named on the electoral register in the area they will represent
- Living in the Community Council area they want to represent

Members are elected at full elections every four years (depending on national elections) or at interim elections. The Local authority administer the elections process.

Community Councils can also appoint other people onto the Community Council if they have a vacancy between elections or they need people with certain skills or knowledge.

Casual Vacancies between elections

This can be done by holding an *Extraordinary General Meeting* to submit a request to the Local Authority to fill the vacancy through an election process. The vacancy(s) would be advertised, nominations invited and elections held if there were more nominations than places.

Co-opting members

A Community Council can also co-opt members as long as the number of co-options does not exceed one third of the total membership at any one time. Nominees still need to be eligible to be a Community Councillor and fill in a *Co-option Form* before they can be elected. A two-thirds majority of present Community Councillors is needed to co-opt a member. Co-opted members can vote with the exception of voting on other co-opted members.

After the co-opted person has served at least six months or three meetings and if they wish to do so, it is put to the next Community Council meeting to appoint them as a full member.

Associate members

Community Councils can bring other people with specific skills or knowledge onto the Council to support them with specific projects or issues. Associate members cannot vote, are appointed for a set period of time decided by the Community Council, and are not counted in the quorum. This might include representatives from other community groups in the area.

Ex-officio members

Elected members from the Local Authority and members of the Scottish, United Kingdom and European Parliaments, who represent the Community Council area, are entitled to become 'ex-officio' members. They do not have voting rights and are not counted in terms of a quorum.

Disqualification of Membership

Membership of a community council can be cancelled should certain circumstances happen.

- The member is no longer eligible to be a member (e.g. they move out of the area); or
- if the member does not attend meetings for a period of 6 months and the Community Council elect to finish their membership; or
- following a ruling by the Complaint Review Panel.

Membership Checklist

Running the Community Council effectively	
Inform Stirling Council of any change to membership and circumstances as soon as is practicable.	
Inform and consult with Stirling Council to agree a process for filling casual vacancies.	
Follow the process for co-opting new members	
Ensure equality legislation is adhered to and equality of opportunity is given to all	

Community Council Co-option Process

At the Community Council meeting
**Members discuss and note how
the vacancy(s) will be filled**

Notify Stirling Council of the intention to fill the vacancy

Community Council advertises the vacancy, invites nominations and makes available the Co-option Nomination Form. A date for the return of all forms should be advertised.

Individuals complete Nomination Forms and
return to the Community Council

Community Council sends all Nomination Forms to Stirling Council for confirmation of nominee eligibility.

Stirling Council confirms nomination eligibility.

Community Council
**gives 14 days notice to its members of the intention to vote on
co-opting a new Community Councillor(s)**

At a Community Council meeting
**A vote is taken by members present to elect the Nominee
A two thirds majority vote is needed to pass
(If there is more nominations than places
a vote is taken by the Community Council)**

Notify Stirling Council of the outcome of the vote
If no vacancy is filled process begins again

For more information or if you have any other queries, contact the Community Engagement team on 01786 233076 or at communityengagement@stirling.gov.uk .

Stirling Council
Community Council Co-option
Nomination Form

The undernoted candidate is hereby proposed and seconded for CO-OPTION to the following Community Council.

Name of Community Council	
Candidate's Details – PLEASE PRINT DETAILS	
Candidate's surname	
Other names in full	
Home address in full (including postcode)	
Telephone Number	
Email Address	
Candidate Signature	
Date	

I, the nominee for the above co-option, consent to being a candidate.

I understand that my details will be retained by Stirling Council and used by them to contact me on Community Council business.

Notes:
Candidates for co-option must be 16 years of age, reside in the local area and be named on the electoral register for the **community council area** in which they are standing. For precise details refer to the Scheme of Establishment of Community Councils.

A copy of the Scheme of Establishment are available to download from www.stirling.gov.uk/communitycouncils or contact the Community Engagement Team
T. 01786 233076   E. ccenquiry@stirling.gov.uk

Community Council Office Bearer's Signature	
Date	

This Nomination Form should be duly completed and sent to the Community Engagement Team, Rm 42, Viewforth, St Ninians Road, Stirling FK8 2ET for checking *prior to co-option*.

Stirling Council (Election Office use only)	Date	Signature

Community Council

Meetings

There are three types of meetings a Community Council can have. The *Constitution* and *Standing Orders* for the Community Council set out how these meetings are managed, what they include and how voting takes place.

All Community Council meetings are open to the general public and need a *quorum* – a minimum number of members to make the meeting valid. A quorum is one third of the voting members or three voting members, whichever is greater. Without this a meeting can be held but no decisions taken.

All Community Council meetings are open to the general public and should be advertised along with their agendas. Minutes should also be publicly available after meetings and sent to Stirling Council.

Ordinary meetings

These meetings are usually held monthly (minimum six a year) with dates set for the coming year at an AGM. Voting takes place through a show of hands of eligible voting members.

Annual General Meeting (AGM)

This meeting is a public meeting where the Community Council Chair's annual report and independently examined statement of accounts are presented and approved. The office bearers are elected and any other business which needs to be dealt with at an AGM.

The *Constitution* sets out when and how the AGM will take place. An AGM can be run following an ordinary meeting of the Community Council.

Special Meetings

These meetings are called

- by the Chair of the Community Council; or

- at the request of not less than one half of the total number of Community Council members; or

- by an officer of Stirling Council

- if a written request (petition) is made signed by at least 25 residents within the Community Council area asking to convene a special meeting for a particular purpose.

Special Meetings are usually called for a specific purpose or to debate a particular issue. They require at least seven days' notice and should be advertised locally as other meetings.

Committees/sub-committees

Community Councils can set up subcommittees to deal with projects or specific issues and quicken up the work. These are agreed at a Community Council meeting and might have a smaller group of members who will report back to the main body of the Community Council.

It is important to note they should be minuted fully and the minutes publicly available as with other meetings.

Effective Meetings

It is important to look at the way you organise and structure your meetings considering the atmosphere you create, the way you involve the people that attend and the clear way decisions are made.

To make sure your meetings are as effective as possible, ensure:

- Everyone has the right information to fully take part in meetings;

- All meetings are accessible to the public and at a suitable time for people to attend;

- Meetings are controlled and orderly, not too long and people can contribute;

- Decisions are taken openly and minutes accurate.

Meetings Checklist

Running the Community Council effectively	
Submit to Stirling Council an annual calendar of meeting dates, times and venues following the AGM	
Inform Stirling Council of any changes in meeting details (times, date or venue) at least 7 days in advance	
Send agendas and minutes to Stirling Council within 14 days of being approved	
Make agendas and minutes publicly available	
Present agendas to Stirling Council in advance of a Community Council meeting.	
Hold an AGM in April, May or June	
Hold a minimum of 6 ordinary meetings and one AGM a year	
Submit to Stirling Council draft AGM minutes and accounts as soon as is practicable after the meeting.	
Advise Stirling Council at least 7 days in advance of any Special Meetings that has been called (date, time, venue & subject).	

(Name) Community Council

Agenda

Day/month/year

Venue

1. **Recording of those present (including members of the press) and apologies received.**

2. **Recording of Declarations of Interest**

3. **Adoption of previous meeting(s) minutes**

4. **Matters Arising**

5. **Reports- External (for example)**

   a. **Police Scotland/Enforcement Officer**
   b. **Elected Member**

6. **Reports- Internal (for example)**

   a. **Sub Groups**
   b. **Chair**
   c. **Secretary (including correspondence)**
   d. **Treasurer**
   e. **Planning**

7. **Community Council Business (Community issues brought to the attention of the Community Council for debate and to agree/vote on actions that are in the interests of the community)**

8. **AOB (Any items that Community Councillors wish to raise that are not an agenda item)**

9. **Residents Forum (opportunity for residents to raise any issues)**

10. **Date, time and venue of next meeting**

(Name) Community Council

Minute of Meeting

Day/month/year

Venue

Present: Note of Community Council members present at meeting

Apologies: Note any apologies received

In attendance: Note of who attended from partner organisations/agencies, e.g. Elected Members, Police Scotland, Stirling Council

Press: Note of members of the press present at meeting

Residents: note how many members of the public attended the meeting (to comply with GDPR individual names of members of the public cannot be listed)

1. **Declarations of Interest-** Note any declarations made, by who and which agenda item it relates to.

2. **Adoption of previous meeting(s) minutes-** Note any corrections and proposer/seconder

3. **Matters Arising**
   a. Summary of key points and note of any decisions/actions
   b. Etc.

4. **Reports- External**
   a. Police Scotland- Summary of key points and note of any decisions/actions
   b. Elected Member- Summary of key points and note of any decisions/actions
   c. Etc.

5. **Reports- Internal**
   a. Sub Groups- Summary of key points and note of any decisions/actions
   b. Chair- Summary of key points and note of any decisions/actions
   c. Etc.

6. **Community Council Business**
   a. Item 1- Summary of key points and note of any decisions/actions
   b. Item 2- Summary of key points and note of any decisions/actions
   c. Etc.

7. **AOB**
   a. Item 1- Summary of key points and note of any decisions/actions
   b. Item 2- Summary of key points and note of any decisions/actions
   c. Etc.

8. **Residents Forum**
   a. Item 1- Summary of key points and note of any decisions/actions
   b. Item 2- Summary of key points and note of any decisions/actions
   c. Etc.

9. **Date, time and venue of next meeting**

Code of Conduct

The Local Authority has drawn up a *Code of Conduct* largely based on the Code of Conduct for local authority Councillors. Community Councillors need to be familiar and comply with the Code including the principles:

- Service to the Community, (Public Service),
- Selflessness,
- Integrity,
- Objectivity,

- Accountability and Stewardship,
- Openness,
- Honesty,
- Leadership,
- Respect.

The aim of these principles are to make sure all Community Councillors act in a manner expected of someone who is representing their community.

Representing the whole community

Community councils have a duty under statute to represent the views of their local community. It is important that they find out what peoples' concerns and aspirations are and reflect the broad spectrum of views and opinions of all sectors of the community. This might involve investigating and getting information on issues; consulting the community on specific topics; holding events to highlight a topic that will affect people; or supporting other agencies in consulting on their policies.

Concerns raised with a Community Council may be personal ones where the Community Council's role is to signpost or advice on which agency can help. Although occasionally personal concerns might reflect a wider issue which affects others, it is important to distinguish personal issues from those the Community Council are set up to deal with. It is not the place of a Community Council to be a court or have opinions or make decisions as to the rights and wrongs of personal concerns.

However, some concerns raised with a Community Council may be shared by a small group of individuals and reflect a wider community need. It is important to evaluate this type of social concern against your community's wider needs and how it affects people and their quality of life. Again this might be a matter of signposting groups to who can help, supporting the concern by writing a letter or dealing with the wider issue as a Community Council.

Conflict

At times there may be a conflict between a Community Councillor's own views and those of others. It is important that community views are represented and that confidence and trust in the Community Council is not broken. Differing view are normal in any community so it is important to approach decisions and priorities in a fair and reasonable manner being clear and transparent about how decisions were made and why.

The Code of Conduct should be followed by all Community Councillors and where it is felt that a Community Council or Councillor(s) breaches the Code, a complaints process is in place for it to be any complaint to be considered.

Running the Community Council effectively	
Work within the role of the Community Council	
Work within the rules of the Community Council	
Inform the Community Council of any conflict of interest	
Be accountable for any decisions and actions they take	
Follow the Code of Conduct	

Engaging and Discovering Community Views	
Encourage people to bring forward their views and opinions	
Respect all views and opinions	
Create strategies to broaden the variety of views especially in those groups that are hard to reach	
Discourage opinions which personalise or discriminate against individuals or sections of your community	
Adopt appropriate methods of gathering views which allows everyone to participate	
Be accountable to your community	

Representing Your Community	
Be the voice of their community	
Work to improve and benefit their community	
Provide information, opinions and context on community issues to public bodies and agencies where appropriate	

Community Council Handbook

Community Council Complaints Process

**Community Council receive a complaint
about the Community Council or any of its members**
At a Community Council meeting
Community Council should consider if the complaint is vexatious or substantially identical to a previous complaint that is been or currently being dealt with by the Community Council or the Conduct Review Panel

Decided by a simple vote of those present and eligible to vote

Complaint concerns
one or more Community Councillor
Unless three or more complaints have been previously received about a particular member or from a particular individual

Vote decided IT IS
Community Council do not need to consider the complaint
No further action is taken

Vote decided IT IS NOT
Community Council should consider the complaint

At a Community Council Meeting
Community Council should consider whether **the subject of the complaint has failed to comply with the duties of a Community Councillors**

Decided by a simple vote of those present and eligible to vote.
Any member who is subject of a complaint or is the complainer are not entitled to vote.

Complaint concerns

- the conduct of the **whole Community Council** or half or more of its members; or

- **Three or more complaints** have been previously received about a **particular member or from a particular individual**; or

- Concerns the **response of the Community Council to a previous complaint**;

If the complaint is upheld, the Community Council must either:
- Censure the member in question;
- Issue a formal written warning;
- Suspend the member for up to 3 months;
- Where appropriate, refer the complaint the Conduct Review Panel for consideration and determination. ** see below

Refer the complaint to Stirling Council's Chief Governance Officer who will establish a Conduct Review Panel **see below

Community Council Handbook 2018

Conduct Review Panel **

A Conduct Review Panel shall consist of three Elected Members of Stirling Council plus two members of Community Councils within the Council area, to which the complaint does not relate. The Conduct Review Panel will endeavour to meet to decide a complaint within 12 weeks of the Council's receipt of the complaint.

For more information or if you have any other queries, contact the Chief Governance Officer at mcafeej@stirling.gov.uk.

Community Councillor Declaration of Interest

(Adapted from Standards Commission for Scotland- Councillors Code of Conduct)

The key principles of the Code of Conduct for Community Councillors, especially those which specify integrity, honesty and openness along with the Scheme of Establishment requires Community Councillors to declare interests at Community Council meetings. The intention is to produce transparency in regard to interests which might, or be thought to influence, your actions as a Community Councillor.

Responsibility

It is a Community Councillor's responsibility to make decisions about whether they have to declare an interest or make a judgement as to whether a declared interest prevents them from taking part in any discussions or voting. They are in the best position to assess their personal circumstances and to judge how these circumstances affect their role as a Community Councillor in regard to a particular matter. Community Councillors can seek advice from the Chair of their Community Council.

In making decisions for which Community Councillors are personally responsible, they are advised to err on the side of caution and this guidance has been designed to help them make an informed decision.

The objective test

In making a decision to declare an interest Community Councillors must always comply with the 'objective test' which is:-

'whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a Community Councillor'

Scope

This guidance is primarily aimed at Community Council meetings. However, the principles relating to declarations of interest are not confined to such meetings. Community Councillors must apply these principles no less scrupulously in any other meeting or activity they are carrying out in their role as a Community Councillor.

Interests that require a declaration

Interests that may require to be declared can be financial or non-financial. Most of the interests to be declared will be their personal interest but, on occasion, they will have to consider whether the interests of other persons require them to make a declaration.

The following table will help a Community Councillor make a decision.

Your Financial Interests	
Interest	**Description**
Remuneration	e.g. if you are employed, self-employed, the holder of an office, a director of an undertaking, a partner in a firm, undertaking a trade, profession, vocation or any other work.
Related Undertakings	e.g. directorships that are not remunerated but the company is a subsidiary or a parent of a company in which you hold a remunerated directorship or a Subsidiary or parent company to the company in which you are a director and receive a remuneration.
Contracts	e.g. where you (or a firm in which you are partner, or have a related undertaking or shares) have made a contract with the Community Council of which you are a member: (i) Under which goods or services are to be provided, or works to be executed, and (ii) Which has not been fully discharged
Houses, Land and Buildings	e.g. where you own or have any other right or interest in houses, land and buildings.
Interest in shares and Securities	e.g. where you have an interest in shares comprised of the share capital of a company or other body and the nominal value of the share is: (i) Greater than 1% of the issued share capital, or (ii) Greater than £25,000
Gifts and Hospitality	e.g. a gift or hospitality which could give rise to real or substantive gain or a reasonable suspicion of influence on your part to show favour or disadvantage to any individual or organisation

Your Non-Financial Interests	
Private and personal interests in which members of the public might reasonably think could influence your actions, speeches or votes as a Community Councillor	e.g. membership or holding office in public bodies, companies, clubs, societies, organisations, voluntary organisation

Financial/Non-Financial Interests of another person

Community Councillors should also consider whether to declare any financial/non-financial interests of certain other persons, if they fall under any of the interests listed in the table above, if they are:-

(i)   A spouse, a civil partner or a co-habitee
(ii)   A close relative, close friend or close associate
(iii)   An employer or a partner in a firm
(iv)   A body (or subsidiary or parent of a body) of which they are a remunerated member or director
(v)   A person from whom they have received a gift or hospitality

Making a declaration

There is no need to declare an interest if it is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

If, however, community Councillors consider that they have an interest to declare in relation to any matter which is to be considered, they should do this as soon as is practicable at the meeting where the interest arises, and should identify the item of business it relates to. They do not need to give full details of the interest but the declaration should be sufficiently informative to enable others to understand the nature of the interest.

Community Councillors must withdraw from the meeting room until discussion of and voting on the relevant item where they have a declarable interest is concluded.

Removal of a Community Council Chair

**If the Community Council consider
the Chair's conduct is contrary to the expectations
set out in the Code of Conduct
it may either:-**

At a Community Council meeting
**Pass a motion
that the removal of the chair
be considered at the next
Community Council meeting**

This motion should be proposed and
seconded and needs to be passed
by a majority of those present and
eligible to vote

Notice of meeting/
agenda must be
publicly available

**Call a special meeting
to consider the
removal of the Chair**

This must be at the request of not less
than one half of the total number of
Community Councillors.

At least 14 days
public notice
must be given for
the special
meeting

At the meeting
**Vote on the
removal of the Chair**

The vote needs to be passed
by a majority of those present
and eligible to vote

If the vote is rejected
Chair remains in post

If the vote is passed
**Community Council elect a
new Chair**

Stirling Council should be
notified of any change in
office bearers.

For more information or if you have any other queries, contact the Community Engagement
team on 01786 233076 or at communityengagement@stirling.gov.uk .

Appointing a Community Council Chair
As per Section 2 of Scheme – Constitution (clause 9d)

At an AGM
where the Chair stands and/or is nominated for re-election

It is the responsibility of Community Councillors
to ask the Chair if they have held that position for 4 or more consecutive years

If they have been in the position for 4 or more consecutive years

Before the Chair can be nominated, Community Councillors, via a secret ballot, must approve (by a simple majority of those present and eligible to vote) the nomination of the chair to stand again

If they have not been in the position for 4 or more consecutive years

Chair can stand for nomination for Chair of the Community Council

Secret Ballot Question:
Do you approve the nomination of the Chair to stand again as Chair?

As the Chair has stood down at the start of the election, there is no casting vote. In case there is a tie of votes a suitable method should be chosen and agreed before the ballot takes place e.g. toss of a coin.

YES
Chair can be nominated to stand for Chair.

Community Council then follows process for electing Office Bearers as set out in the Governing Documents

NO
Chair is not eligible to be nominated for Chair.

Community Council then has to nominate and elect a replacement Chair following the process set out in the Governing Documents.

This process needs to be recorded in the minutes of the AGM

For more information or if you have any other queries, contact the Community Engagement team on 01786 233076 or at communityengagement@stirling.gov.uk .

Stirling Council provide an Administration Grant to each community Council for Administrative expenses such as hall/room hire, Photocopying, newsletters, websites and fees such as for data protection registration. Community Councils are responsible for how this money is spent.

Community Councils are also responsible for producing a set of accounts each year which need to be independently examined and approved at their AGM.

Insurance and Liability

Stirling Council arranges public and employers' liability insurance for Community Councils which covers many aspects of their activities. More information is on the Guidance Note.

Other Funding

Community Grants/Community Pride - provide grants ranging from £100 - £1500 to promote community activities and to support local initiatives. Forms and guidance are available on the Council's website.

https://my.stirling.gov.uk/services/community-life-and-leisure/community-advice/community-advice-grants

Guidance Sheets

- Admin Grant

- Insurance & Liability

- Accounting template

- Community Council Enquiries

Community Council Administration Grant

Each Community Council is entitled to a yearly (financial year) Administration Grant. The grant is made up of a fixed base rate plus additional amounts according to the maximum number of Community Councillors each Community Council can have.

Prior to payment of the Administration Grant each year, an Administration Grant Request Form will be issued for completion; the Administration Grant will then be paid out after the Community Council has submitted this Request Form together with their AGM Minutes and independently examined and signed Annual Accounts. If not submitted the Grant will not be paid.

The Grant will be paid with deductions for Insurance including Public Liability, Employers' Liability and Trustees' Liability, and if appropriate, Assets Insurance (not every Community Council owns assets).

The admin grant is restricted funding and can only be used for the following:
- Hall/Meeting Room Hire;
- Photocopying;
- Postages;
- Production of Community Council's own newsletter or reasonable financial contribution to other forms of communication within the community;
- Design or maintenance of Community Council's own website;
- Involving local people in local decision making (e.g. surveys or consultations on local issues);
- Participation in local and area Community Planning (e.g. any administration costs incurred by the Community Council becoming involved in community planning processes);
- Developing links with other local groups (e.g. costs incurred from joint working with organisations such as the local history society, pathways/environment groups, young people, minority groups, etc);
- General Data Protection Regulations (GDPR) registration fee.
- Community Councillor expenses
- Any additional insurance required

The Administration Grant is **not** provided to cover honoraria, donations or gifts to individuals or other community organisations. No part of the Grant should be passed to any other organisation except in payment of goods or services received.

If the Administration Grant has not been spent in full, on permitted costs, by the end of the financial year, your Community Council may be asked to repay their underspend or the following year's grant may be reduced.

Community Councils Insurance

Community Councils are unincorporated associations. Under the current law in Scotland, an unincorporated association does not have separate legal personality. This means the individual community councillors are personally and severally liable.

Stirling Council arranges public, employer and trustees liability insurance for all Community Councils to minimise the risk to individual community councillors.

Stirling Council can also arrange group Assets Insurance based on the assets, if any, owned by individual Community Councils. The asset insurance is based on the Community Council providing an accurate and up to date list of assets held. Early in the calendar year we will gather information from each Community Council regarding what assets they own and would like insured. For any Community Council not supplying this information, their assets will not be insured.

The insurance premium/s are deducted from the admin grant before the award is made to the Community Council. The above insurance cover runs from 1 May – 30 April each year.

If a Community Council is organising any kind of event throughout the year it is responsible for insurance, either organising additional insurance cover or checking if the particular type of event is already covered. Stirling Council does not arrange Events Insurance as each event is very different, e.g. some may have bouncy castles, fireworks, road closures and so on. Most events are likely to require additional cover.

There are two key points to remember:

- Community Councils and Community Councillors should operate within the Scheme of Establishment of Community Councils to minimise personal risk.
- Where a problem arises, early communication with Stirling Council and/or the Insurer is advised.

Name of Organisation
Annual Accounts for the year ended xx/xx/20xx (current year)

	Unrestricted funds	Restricted funds	Total (current year)	Total (previous year)
INCOME	£	£	£	£
Donations	xxx		xxx	xxx
Newsletter sales	xx		xx	xx
Calendar sales	xx		xx	xx
Xmas party	xxx		xxx	xx
Admin grant		xxx	xxx	xxx
Minute grant		xxx	xxx	xxx
Grant 1		xxx	xxx	
Grant 2		xxx	xxx	xx
Grant 3		xxx	xxx	
TOTAL INCOME	**xxx**	**xxx**	**xxxx**	**xxxx**
EXPENDITURE	£	£	£	£
Venue CC meetings		xxx	xxx	xxx
Minute secretary		xxx	xxx	xx
Web domain fees		xxx	xxx	xx
Expenses		xx	xx	xx
Stationery		x	x	x
Grant 1 (note 1)		xxx	xxx	
Grant 2 (note 2)		xxx	xxx	xx
Xmas party	xx		xx	
TOTAL EXPENDITURE	**xx**	**xxxx**	**xxxx**	**xxxx**
Surplus/profit for year	**xx**	**xx**	**xx**	**xx**
Balance b/f	**xxx**	**xx**	**xx**	**xx**
Balance c/f	**xx**	**xx**	**xx**	**xxx**

From the information supplied I have checked and accept that these accounts are in order:

Signed by independent examiner

Print name:

Date:

Notes:
1 – Community Pride grant for new benches
2 – Tesco Greenspace grant for community garden

Cashflow Record

For: XXX Community Council

	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	
INCOME													
Admin grant													0
Minuting grant													0
other headings													0
other headings (keep adding headings below as necessary)													0
													0
Total income	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
EXPENDITURE	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	
Hall hire													0
Stationery													0
GDPR registration													0
other headings													0
other headings													0
other headings													0
													0
													0
													0
													0
Total Expenditure	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0** **
Surplus/Deficit	0	0	0	0	0	0	0	0	0	0	0	0	0 **
Opening balance	0	0	0	0	0	0	0	0	0	0	0	0	**
Closing balance	0	0	0	0	0	0	0	0	0	0	0	0	**

Insert a row above "total Income" and "total expenditure" for the formulae to automatically update **

Community Council Enquiries

A Guide to making an enquiry

This service has been developed to support, manage and monitor the wide ranging enquiries made to all Council services by our Community Councils.

Community Councils may not always know the right person to ask in regard to a Council Service. This enquiry service has been designed to ensure that enquiries go to the right person and to ensure that you receive a good quality response within agreed timescales. If the enquiry is more complex and more time is required we will let Community Councils know.

The service is easy to use. Community Councils submit their enquiries to:
ccenquiries@stirling.gov.uk

Benefits of the Community Council Enquiry Service
- Community Council enquiries are dealt with systematically and according to a set of service standards and protocols to ensure responses are accurate, consistent and timely;
- There is accountability in place to ensure enquiries are managed appropriately and can be monitored and tracked;
- Information about enquires is collected to ensure performance can be improved;
- Responses can be quality assured and evaluate

Making an Enquiry

A Community Council makes an enquiry through to the Enquiry line

The Enquiry is logged and given a unique reference number.

The Enquiry is directed to the appropriate service and the Community Council receives an email stating who will deal with their enquiry

The service responds to the Community Council through their generic email in the given timescales.

Enquiry ends.

Community Council responds to satisfaction survey

Community Council are not satisfied and ask for a review by a Senior Manager

In order to represent their community well, a Community Council needs to know its community and engage with residents businesses and groups to determine local needs and priorities.

Stirling Council provides community profiles for each Community Council area. Many other organisations gather and publish information and statistics on communities, these are a good starting point to examine what a community is like.

Engaging with a community is a continuous process, keeping them informed about issues so they can make informed choices, consulting them on options and getting their opinions on what should happen. Engagement methods and options will be different for each community depending on geography or other community specific issues and might include newsletters, websites, surveys or events.

Guidance Sheets

- Knowing your community

- Engaging with your community

- Community Councils and data protection

- Community Council data protection Policy template

- Community Council Register of Information Template

- Local Community Plans

Many people will consider that they know all about the area that they live in and the people who live there. However, we often only know about the social circles we are involved in and think we know about issues based on what we believe without actual evidence. Many organisations gather, publish and use information and statistics on communities which may be a good starting point to examine what your community is like.

There are a number of websites where you can access data including the census information which give you some information on the type of community you live in and the issues it faces. Census information gives you a good indication as to the population, ages and employment status of the people in the area and health information can also be accessed such as hospital admissions and those with a disability. Stirling Council provides Community Council statistics for all Community Council areas based on the national census.

If you are looking for something specific, it may be harder to find and you might need to be more creative in where you look. Think about who would be interested in the type of data you want; which organisations are related to the topic you want to cover; and ask others. Trying to find out how many people cycle to work may mean contacting the local council, cycling clubs, health professionals or the census. Increases in bike sales in your area might be a better indicator of who cycles than how many people are in local clubs.

However interpreting information and understanding what it really tells you can be complicated. It is important to question any data such as who collected the data; their reason for collecting it; how they collected it and what the data really means. Much of what is gathered will depend on the questions people are asked and the

Gathering community information yourself

You can also collect statistics yourself in a number of ways including creating a community questionnaire for people to complete online or in person, interviewing people or having a focus group. Each method has its own advantages and disadvantages in using it so you need to look at the best for what you are trying to achieve. However, knowing your community is not all about statistics, getting opinions and views is often the most important area for Community Councils to engage in.

Views, Opinions and consultations

Since one of the basic roles of the Community Council is to represent their community, they can only really claim to do this if they continuously engage with their community to find out what they need, their views on issues and their hopes for the future.

So engaging with your community is a continuous process, keeping them informed about issues so they can make informed choices, consulting them on options and getting their opinions on what should happen. At times this might involve small engagement sessions and at others it might mean the full community needs to be involved.

Reasons why people might want to take part

- They want to make a difference to their community or individual lives
- A sense of duty as a citizen
- To influence the decision about something that directly affects them or their family
- To raise a point that no one may make
- Unhappiness with the current situation and wanting to change things
- They like being involved in anything going on
- They want to complain

Whatever the reasons why people will be involved, engagement is also about making the engagement relevant to people and worthwhile. If people understand the issues, feel their views will make a difference, and trust that changes for the better will come out of the process, they will be more likely to see it in a positive way and take part.

Developing positive, continuous engagement will develop a Community Council's relationship with its community, and build the understanding and trust needed to successfully represent the community.

Knowing Your Community Checklist

Engaging and Discovering Community Views	
Gather basic statistics on your community.	
Consider creating a community profile looking at all aspects of who makes up your community and any information from statistics which are significantly different than the national average.	
Consider the context of all statistics gathered.	

Sources of Data

Scottish Neighbourhood Statistics - Gives data on geographical areas
http://www.sns.gov.uk/default.aspx

National Census – data taken from the national census every ten years. Covers a variety of data on people and areas
http://www.scotlandscensus.gov.uk/

Scottish Household Survey
http://www.scotland.gov.uk/Topics/Statistics/16002

Average house price
http://www.ourproperty.co.uk/

Deprivation
http://www.sns.gov.uk/Simd/Simd.aspx

Scottish Assessors Association
Provides Central Scotland Valuation Rolls & Council Tax Lists on-line - for individual or small groups of properties. 40-50K Stirling electors on edited electoral register - names & addresses (cost depends on how many names and addresses)
http://www.saa.gov.uk/central/

National Records of Scotland
(population estimates and projections, migration, electoral stats, vital events
http://www.gro-scotland.gov.uk/statistics/index.html

For more information on Sourcing data or finding out about your Community, contact the Community Engagement team on 01786 233076 communityengagement@stirling.gov.uk

Engaging with Your Community

Community Councils represent their communities and need to engage with their community in order to understand their needs and issues. Engagement might be anything from informing people about what the Community Council is doing to having a large-scale consultation event to gauge people's views on an issue.

Whatever type of engagement is being embarked on, some basic principles should be followed to ensure engagement is transparent, accessible and suitably considered to learn from in the future.

These Engagement principles below are based on National Standards for Community Engagement set out be the Scottish Government, see – www.gov.scot/Resource/Doc/94257/0084550.pdf

Principles of Engagement

It is beneficial to start with the principles of engagement which will help support and inform the type and effectiveness of the engagement Community Councils are involved in.

- Everyone who is affected by the issue is involved

- Everyone who wishes to is able to take part

- There is a suitable process and methods of engagement

- There is an open and honest process

- Everyone is informed throughout the process

- We evaluate and learn from the process for the future

Consider carefully each of these principles as you plan and develop any engagement.

Many people will consider that they know all about the area that they live in and the people who live there. However, we often only know about the social circles we are involved in and think we know about issues based on what we believe without actual evidence. Many organisations gather, publish and use information and statistics on communities which may be a good starting point to examine what your community is like.

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Policies and Procedures

Guidance Sheets

- Data Protection

- Equality and Diversity

- Links to Further Guidance and further information

Methods of Engagement

The spaces and methods used to talk to people will be determined by what the Community Council want to talk about, who they are talking to and what resources they have to do it. Getting views on a single issue will be different than getting opinions on how people feel about their whole village or area.

Some examples of where and how you could engage with people –

Informing
Giving relevant information on what is planned, proposed or agreed, in a format and timescale that is reasonable for people to comprehend what is given. This represents the least engagement you can have with people and should be the starting point for any other engagement. People need information and knowledge to understand changes being made but also to support them to give their views and make choices.

Places to inform	**Information methods**
- Events – galas, fetes, open days - Group events or meetings - Local libraries - Local public spaces – shopping centres, post offices, shops, - Noticeboard - Schools - Community Centre & Halls - Offices of other agencies - Online - Local websites/ Group websites - In the media	- Printed - Leaflets/ Booklets/ Postcards/ Posters - A-frame boards/vinyl for shop windows - Newsletters/magazines – - Mail Drops/door delivery - Press release - Talks/Presentations - Displays/ Exhibitions - Video (Youtube) - Web page/web site - Social Media Campaign - Text Messaging - Radio/TV advertising - Sponsorship of a local team/ event - Commission arts – drama, performance and dance - Vehicle signage

Consulting
Offering a number of achievable and realistic options and listening to feedback and taking it into account before making decisions. Consultation is about giving information to people before giving them a choice from existing restricted options that have been set out beforehand. It is important that these options can be taken forward if chosen so we do not give unrealistic expectations. Although comments may be made, people are not asked for ideas or to create further options. If they are asking for ideas, this is *Deciding Together*.

Places to consult	Methods on consultation
- Events – galas, fetes, open days - Group events or meetings - At Local libraries - Local public spaces – at shopping centres, post offices, shops, - Schools - Community Centre & Halls - Online - your websites	- Questionnaire – postal, online - Stakeholder interviews/Focus groups - Mapping/Visioning workshops - Webchat/blogging - Email discussion groups - Public conversations – physical or digital - Consensus Conference/meeting - Digital Voting - Community Walkabout/Place Audit - Suggestion boxes

Gathering views and opinion can have its pitfalls. Consideration should be given to who asks the questions as this can influence how people respond. Asking only a small proportion of a community may mean certain groups of people are missed. Consider all the engagement principles about accessibility and support for participation before deciding on methods and spaces.

This is not an exhaustive list but gives you some ideas of possible methods on engaging with your community and places this might happen. For more guidance contact the Community Engagement Team.

Engaging with Your Community Checklist

Engaging and Discovering Community Views	
Keep people informed about what the Community Council does and how they can be involved or give their views.	
Have contact details on all Community Council materials including emails, publicity and websites.	
Set up various ways of people getting in touch with the Community Council other than attending meetings.	
Consider any barriers to engagement and work towards minimising or eliminating these.	
Consider who needs to be involved in any consultation you do – who will be affected by the issues you are discussing?	
Plan engagement carefully considering the Engagement Principles.	
If collecting people's contact details or information follow data protection guidelines and regulations.	

What is a local community plan and why do one?

A local community plan (LCP) identifies which community the plan has been developed for, what it thinks is good about the area, including local services, and what it wants to change. It identifies which actions the community wishes to take and how long the plan will last. It helps involve the whole community and allows community groups to work with services and agencies from the community planning partnership.

Key ways in which local community plans can be used:

- To take action to improve the quality of life in the area through practical projects such as running a community hall or setting up a youth club.

- To provide the evidence to help to advise service delivery, budget decisions and policy decisions made by community planning partners, e.g. The Stirling Plan.

- As evidence of need when bidding for funding

- Identifies issues that may be common to other communities, which can be addressed through Area Community Planning Forums.

Examples of the difference a local community plan has made:

- A community identified the need to redevelop their playpark as part of their local community planning process. They secured funding, negotiated with Stirling Council appropriate maintenance & planting regime and now have a playpark fit for purpose.

- A community identified the need for traffic calming through their local community planning process. They used this evidence to influence the design & implementation of the traffic calming measures.

Getting Started

If the Community Council is interested they can take the lead to begin the process and enters into discussions with individuals/community groups to decide how to take it forward. From these meetings a Steering Group may be formed which will lead the local community planning process. The steering group should be representative of the whole community. It does not have to be formalised. However, if funding is required the applicant group will require to be constituted.

Developing the Plan

The Steering Group will agree on how to consult widely in order to gather required relevant information, e.g. public meetings, surveys, focus groups, visioning exercise and how to provide regular feedback to the wider community. They may decide to hire someone to work on the plan or recruit volunteers to help.

From this a series of consultations would begin with the information brought back to the community to check on accuracy, gaps and priorities. Finally a plan can be written.

Methods of consulting on a Local Community Plan need to be considered carefully to ensure information collected reflects the community's views. For more information on methods and how to start the process contact the Community Engagement team on 01786 233076 communityengagement@stirling.gov.uk .

Knowing Your Community Checklist

Engaging and Discovering Community Views	
Consider creating a Local Community Plan for your area.	
Discuss with other relevant organisations how a plan could be done and how people could get involved.	
If taking forward a community plan, get advice on how to take it forward.	

Policies and Procedures

Guidance Sheets

- Data Protection

- Child Protection and Disclosure

- Equality and Diversity

- Volunteer Policies

- Internet and Social media

- Health and Safety

Policies & Procedures Checklist

Community Councils and Data Protection

Briefing Note:

This briefing note has been prepared in response to Community Council queries in relation to Data Protection and specifically the new General Data Protection Regulation (GDPR) which came into force on 25 May 2018.

Processing personal information

Community Councils will create, receive and use a variety of information in the course of their business and activities. These will include minutes of meetings, correspondence, planning information and reports and financial records. There might also be public surveys, business plans or event management.

Many Community Councils will process personal information. Personal information or data refers to any information which can identify a living person such as names, telephone numbers, email addresses, ISP addresses (computer addresses), social circumstances and political orientation. Processing is a term meaning collecting, storing, sharing, managing and disposing of personal data.

If an organisation processes personal information they need to follow data protection rules to ensure that all personal information is used properly and stored securely. The *General Data Protection Regulation (GDPR)* regulates how information relating to identifiable living individuals may be used.

The Information Commissioner's Office (ICO), who are the regulator for Data Protection in the UK, provides a wealth of information, checklists and guidance documents on how to follow the Regulations. These can be found at www.ico.gov.uk .

Registration

The ICO also requires some organisations to register with them. Due to the nature of work which Community Councils undertake, the ICO advises that all Scottish Community Councils register with them. There are exceptions if for example the Community Council only keep handwritten paper records. Although organised paper records are still covered under the Data Protection Act 1998 so general data protection principles should still be applied.

It is important to state that even if an organisation is not registered they still need to comply with data protection principles.

Registration can be done through the ICO website above and requires a fee of £35. Stirling Council recognises this is an extra burden on Community Council's and will include this fee in Community Council Admin grants.

Further details on how to register are included at the end of this briefing.

Data Protection Officers

Community Councils are not required to have a Data Protection Officer. However it is advised that someone takes on the task of ensuring data is secure, registration is renewed annually, and be the contact for anyone wanting to get their information or have it changed or deleted. This might be the Secretary who maintains mailing lists. Training is available to Community Councils on data protection or anyone taking on this task.

It is important to note the person dealing with data protection is only acting on behalf of the Community Council who are the 'Data Controller' and therefore responsible for data protection. *The Community Council as an organisation is responsible for how they process data/use people's information.*

Data protection principles

Whether an organisation has to register with the ICO or is exempt, they must following the regulation protecting personal data and people's right's in respect of that data.

The GDPR has six principles to ensure that personal data is collected and used appropriately. These state that personal data shall be:

1. **Processed lawfully, fairly and in a transparent manner.** This means that we must have a lawful basis for processing the data and we must inform individuals what we will do with their personal data.

2. **Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.** This means that we are not free to use personal data for a purpose different from the one communicated to the individual in a privacy notice.

3. **Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.** This means we should only collect the information needed for the purpose.

4. **Accurate and, where necessary, kept up to date. Every reasonable step should be taken to ensure that personal data, where inaccurate, is erased or rectified without delay.** This means that we must ensure that personal data is regularly reviewed and inaccurate data is rectified, where appropriate.

5. **Kept in a form which permits the identification of individuals for no longer than necessary.** This means that we should have a time limit in place for the retention of all data, and ensure that it is applied.

6. **Processed in a manner that ensures appropriate security of personal data.** This means that we must ensure that personal data is protected from unauthorised access, unauthorised or unlawful processing, accidental loss, destruction or damage using physical and technical measures.

Data protection training and an information sheet is available to all Community Councils who need more information on the guidelines.

Where you might use data

- **Community Council Meetings**

  In minutes - Get people's consent before including their names on a public minute. Minutes are published online and put in public spaces so they should be aware of this before giving consent.

  Any references to members of the public (e.g. neighbour disputes, criminal offences) should not be included in the minutes if the individuals can be identified from this. If possible, members of the public should be discouraged from raising any of the above scenarios in a public meeting. Even if it is only spoken, other people attending the meetings could identify the individual.

  Names and addresses of applicants for planning permission are published by the planning service, so it is reasonable for Community Councils to repeat these in their minutes.

- **Dealing with public complaints and issues**

  Community council business may involve community councillors dealing with individual's complaints or issues. If these are given to councillors they should be treated confidentially, kept secure and the individuals involved told if their information needs to be passed to other organisations such as a public body so they can consent.

- **Community Consultations**

  If individual contact information needs to be taken, data protection principles should be applied and information deleted securely when no longer used.

- **Publicity/Information provision**

  Mailing lists for community information sharing comes under the data protection principles and will need regular updating and maintenance.

If a community council receives a request for personal details, you should not disclose this information without the relevant individuals' consent. There are various exceptions for legitimate interests, emergency situations, court orders, etc. In these cases refer to the ICO guidance.

Good practise guidelines

- Ensure all Community Council members are aware of data protection and their responsibilities as an organisation.

- Have a data audit to see what you already have, where it is stored and who has access to it. Templates are available from the Community Engagement and Participation Team.

- Only collect data necessary for what is being undertaken - members' details will be necessary to conduct business but community surveys may not require people's contact details. Question why you need the information and what you will do with it.

- Provide privacy notices or statements on all websites, surveys and documentation where data is collected to ensure people know their information is being kept. A privacy notice should include who is keeping the data, why, if it will be shared with anyone, inform people they have rights to their data and contact details to delete or change the information kept (see sample at end of this briefing). Provide separate consent forms for under 16's where parental consent is required.

- Maintain good record keeping as required in the Scheme of Establishment including sending copies of agendas, minutes and financial records to Stirling Council. Have a process for updating and deleting data and for people accessing or changing their data.

- Security to keep data safe needs to be in place whether data is kept in paper or digital form. This includes limiting the number of people accessing information, having locked drawers or cabinets for paperwork and anti-virus and firewall software for computers.

- If in doubt contact the ICO to check on any aspect of data protection.

How to register with the Information Commissioner's Office

Go to: http://ico.org.uk/registration/new

Click *Register Now*	
Complete Fields as follows:	
Organisation Type	*other, eg club, society, voluntary organisation*
Please give details Another field will appear – enter	*Community Council*
Organisation details:	Enter the name that your community council is known as.
Address:	Enter the Community Council's registered address or put in the postcode and press Find Address. Each Community Council should decide which address will be their main registered address. This might be the address of the Secretary or Chair or a local building their mail is directed to.
Trading names	Leave blank
Public authority	*No*
Is your organisation a charity, does it have exempt charitable status?	*No*
Is your organisation a small occupational pension scheme?	*No*
Does your organisation have 10 members of staff or fewer?	*Answer as appropriate*
The fee will be £40 for the year	
Main contact details	*Enter the details of either the person responsible for data protection in your community council or the main contact*
Does my organisation need a data protection officer (DPO)?	
Do your organisation's core activities involve tracking and monitoring people's behaviour (for example on the internet, or on CCTV) on a large scale?	*No*
Do your organisation's core activities involve processing on a large scale 'special categories' of personal data, or large scale criminal convictions or offences data?	*No*
Your organisation does not need a data protection officer. However, you can nominate one, or provide a contact for data protection in your organisation.	
Would you like to provide details of a person responsible for data protection in your organisation?	*Choose –* • *To nominate a person* • *Provide a contact or* • *Decide not to provide a contact*

Person completing this registration	*Insert name*
Press **Next**	
Sector	*Local government*
Subsector	*Parish, community and town council*
Nature of work	*View all – Scottish Community Council*
A sample form will be displayed (which can be edited).	
Transferring data overseas	If you use any external software/cloud storage or other applications, you need to be aware of where the company is based as many are based overseas.

The next section of registration is a series of questions looking at your arrangements for handling data. These should be answered based on your specific circumstances within your Community Council.

Someone in my place of work is responsible for making sure we comply with the Data Protection Act	*Yes/No*
Relevant people in my place of work have been trained in how to handle personal information	*Yes/No*
When collecting personal information, we tell people how we will use it	*Yes/No*
We have a process in place so we can respond to requests for the personal information we hold	*Yes/No*
We keep records of people's personal information up to date and don't keep it longer than necessary	*Yes/No*
We have measures in place to keep the personal data we hold safe and secure	*Yes/No*

You will then be taken through a declaration and payment process.

Websites

If a Community Council has a website a privacy statement will need to be included on this including information on cookies (if applicable) and links to other websites. More advice on this is available on the ICO website or speak to the Community Engagement and Participation Team.

Sample Data Protection Notice

This can be used on printed materials or websites to give a brief overview and indicate where the Privacy Notice or Data Protection Policy can be found.

The . . . . Community Council collects, uses and stores personal data such as names, addresses and emails, in order to . . . . All personal data will be kept securely and we will inform you in advance of any data which will be shared with others.

Minutes of a Community Council meeting is considered a public record and will be minuted, made publically available and archived. Other documentation presented at meetings may also be treated in this way.

Under the terms of the General Data Protection Regulation you have various rights with respect to your personal data, including the right to access a copy of what we hold on you; have it changed or removed. Contact . . . . if you wish to do this.

For more information on what personal data we hold; how we process this data; storage and retention of data; individuals rights and more ways of contacting us – see our . . . . (website, noticeboard, Facebook page etc)

The new Equality Act came into force on 1 October 2010. It is designed to protect people from discrimination because of personal characteristics such as age, disability, gender reassignment, race, religion or belief, pregnancy and maternity, sex and sexual orientation. It covers areas such as employment, education, access to goods and services and the exercise of public functions. Any organisation providing a service to the public or exercising public functions must comply with equality legislation.

Community Councils therefore have a responsibility to make sure they do not discriminate against anyone or any group within their community through how they operate and within their activities.

Helping to promote equality and diversity
Community Councils can take some basic steps to promote equality and diversity both within their community and within their Community Council.

- ✓ Find out and understand the make-up of your community

- ✓ Consider how best to access and gain the views of groups that represent your community

- ✓ Promote community involvement with young people, the elderly, ethnic minorities and other 'hard to reach' groups

- ✓ Consider when, where and how your meetings are held and where minutes are published - are they accessible for all or could you be inadvertently excluding sections of the community. Physical impairment, sight problems or literacy difficulties may prevent people participating

- ✓ Consider alternative ways of communicating with different groups in your community – not everyone will have English as their first language

- ✓ Don't stereotype others (a view of other people based on no evidence) or let people's stereotypes cloud decisions or opinions – youth as a nuisance

- ✓ Recognise that everyone probably holds prejudices of one sort or another and we should challenge these

- ✓ Challenge harassment and bullying in communities, acting as a role model to others

Links to other guidance

- [Scottish Council of Voluntary Organisations (SCVO)](#) - guidance on Data Protection, Fire Safety, Food Hygiene and more
- [Volunteer Scotland](#) - guidance on volunteering policy
- [Disclosure Service](#) (PVG)
- [Volunteer Policies](#)
- [Health and Safety](#)

Other information

External links

- [Community Council - Legislation](#)
- [Information Commissioner's Office (ICO)](#)
- [National Government](#) - Community Council and Empowerment
- [National Community Council information website (Improvement Service)](#)

Stirling Council links

- [Stirling Council Key Priorities](#)
- [Stirling Council Structure](#)