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# SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN FIFE

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ADOPTED BY THE FIFE COUNCIL  
AT THEIR MEETING ON 18<sup>th</sup> MARCH 2004  
(Amended 27th April, 2006)



## 1.0 **Purpose**

- 1.1 The general purpose of a Community Council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable. Community Councils are encouraged to promote community participation and a sense of community spirit within their community.
- 1.2 In addition to the general purpose of a Community Council, a Community Council may carry out such other functions as approved where appropriate by Fife Council or any other body who may provide resources to carry out the function, including the safeguarding and improvement of the amenities and environment in their area.

## 2.0 **Boundaries Of Community Councils**

- 2.1 The boundaries of the areas of Community Councils and their populations and the number of members to be appointed to Community Councils are detailed in Schedule 1 to this Scheme together with the plan annexed.
- 2.2 Any request to create new Community Councils by (1) the sub-division of an existing Community Council area or (2) the merging of 2 Community Council areas or (3) changing the boundaries of existing Community Councils must be made in writing to the Head of Law & Administration, who will arrange for the request to be submitted to the appropriate Fife Council Committee. Such requests should demonstrate local support for the proposal, including the agreement of the existing Community Council(s).

## 3.0 **Establishment of Community Councils**

- 3.1 The regular Community Council elections will provide an opportunity for the establishment of all Community Councils in Fife.
- 3.2 If, for any area a Community Council is not established at an ordinary election then on the application of 20 electors from the appropriate area, a Community Council shall be established by election carried out under the rules for Community Council Elections.

## 4.0 **Qualification of Electors**

- 4.1 A person shall be entitled to vote at a Community Council election if he/she has reached the age of 18 on the date of the poll and is resident in the area of the Community Council and/or is registered as a local government elector there).
- 4.2 A person is not entitled to vote as an elector in more than one Community Council election.

5.0 **Qualification for Nomination, Election and Holding Office as a Member of a Community Council**

5.1 A person shall be qualified to be nominated as a candidate for election as a member of a Community Council if he/she has reached the age of 18 years and -

- (a) on the day on which he/she is nominated as a candidate he/she is a local government elector for the area of the Community Council; or he/she has, during the whole of the twelve months preceding that day resided in the area of the Community Council; and
- (b) on the day on which he/she is nominated he/she is not an elected member of Fife Council.

5.2 A person holding office as an elected member of a community council will not act in the office of a community councillor unless he/she has made a declaration accepting the office and undertaking to fulfil the duties of it according to the best of their judgement and ability and undertaking to meet the standards of conduct outlined in Schedule 3.

If such a declaration is not made and delivered to the Head of Law and Administration within two months of being elected or appointed the office of that person shall become vacant.

6.0 **Elections**

6.1 Elections under this scheme shall be held in accordance with rules for Community Council Elections made by Fife Council. Any rules made by Fife Council shall only be made following consultation with the Community Councils in Fife.

6.2 Where the number of nominations received is less than half of the number of vacancies that exist the Community Council shall not be established at that time.

7.0 **Composition of Community Councils**

7.1 A Community Council shall consist of:-

- (a) persons elected under this scheme;
- (b) the elected members of Fife Council ex officio whose area of representation includes any part of the area of the Community Council. Such ex officio members shall not be entitled to hold office in terms of paragraph 10.1 of this Scheme and shall not be entitled to vote on any item of business considered by the Community Council; and
- (c) co-opted members - persons appointed by the Community Council who are not members of the Community Council for any specific purpose by reason of their interest in the community of the area of the Community Council and whose views would be of assistance to such

Council or could be employed for the promotion or advancement of any scheme or project falling within the objects of such Council. The persons appointed for such a purpose shall not exceed one fourth of the elected members of the Council. Any person so appointed shall be appointed for such period as the Community Council may determine but not beyond the next elections to the Community Council. Such appointed members shall be entitled to speak on any item but not vote on any item of business considered by the Community Council.

- (d) nominated members - a Community Council may make provision to invite organisations operating within its area to nominate members to serve on the Community Council. Where a Community Council makes such provision then at no time shall the number of nominated members exceed one fourth of the elected members of the Council. Such nominated members shall not be entitled to vote on any item of business considered by the Community Council.

7.2 In addition to members appointed under paragraph 7.1 above the Royal Burgh of St. Andrews Community Council shall include three persons appointed by the Student Representative Council such persons being students at the University of St. Andrews and having been elected to the Student Representative Council.

#### 8.0 **Casual Vacancy**

8.1 In the event of a casual vacancy or vacancies occurring in the elected membership, a Community Council shall be entitled to fill any vacancy with any person qualified as a candidate for election as a member of the Community Council who will be deemed to hold office as an elected member.

8.2 In filling a vacancy with any person under this paragraph a Community Council must, in the first instance, offer the vacancy to the unsuccessful candidate who polled the most number of votes at the most recent elections for community councils. If he/she does not wish to fill the vacancy or is no longer eligible for the Community Council or steps taken to contact him/her have in the opinion of the community council been unsuccessful, then the vacancy should be offered to the unsuccessful candidate who polled the next highest number of votes and so on until either the vacancy is filled or the list of unsuccessful candidates is exhausted. If a Community Council is unable to appoint from the list of unsuccessful candidates a vacancy should be filled by any other reasonable method it chooses e.g. hold a public meeting at which candidates have a chance to state their case before a ballot of Community Council members.

8.3 A casual vacancy shall be deemed to have arisen on the occurrence of any of the following events:-

- (a) death of an elected member;
- (b) resignation of an elected member intimated to the Secretary of the Council in writing;

- (c) resignation of an elected member by declaration at a meeting of a Community Council so long as that resignation is not withdrawn in writing by the commencement of the next scheduled meeting of that Community Council;
- (d) unreasonable non-attendance by an elected member at meetings for a period of six months;
- (e) an elected member ceasing to be qualified as a candidate for election as a member of a Community Council;
- (f) the number of nominations received is sufficient to establish the Community Council in terms of paragraph 6.2 of this Scheme but less than the number of members to be appointed in terms of Schedule 1.

## 9.0 **Meetings**

- 9.1
- (a) A Community Council shall hold in every year such meetings as they think necessary and in an election year shall hold a meeting within one calendar month from the date of the election.
  - (b) Meetings shall be held at such hours, on such days and at such places as the Community Council may decide, having regard to the availability of members of the Community Council and the ease of access of the place to members of the public.
  - (c) Public notification shall be given of the place, time, date and agenda of all community council meetings.

Notwithstanding the foregoing, a Community Council will meet not less than 4 times per year, one of which will be an Annual General Meeting which shall consider and approve the audited financial statement for submission to Fife Council.

## 9.2 A special meeting may be called:-

- (a) on the requisition of the Chair of the Council;
- (b) on requisition of at least one fourth of the elected members of the Council; or
- (c) a requisition of twenty electors for the area of the Community Council

which meeting shall be held within 21 days of receipt of a requisition stating the reason for the requisition by the Secretary of the Community Council. It will only be necessary to call such a meeting if the subject matter of the requisition cannot be dealt with at the next ordinary meeting of the Community Council.

### Quorum

- 9.3 No business shall be transacted at a meeting of the Community Council unless the greater of at least 40% of the actual number of elected members or three of such members of the Community Council are present.

### Public Access to Meetings

- 9.4 All meetings of the Community Council shall be open to the public. The Community Council shall encourage public participation in their meetings. However, the public may, by resolution, be excluded from a meeting of the Community Council during consideration of an item of business whenever it is likely that if members of the public were present, there would be disclosure to them of:-
- (a) information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the Community Council;
  - (b) information relating to the financial or business affairs of any particular person (other than the Community Council);
  - (c) any terms proposed or to be proposed by or to the Community Council in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services relating to that Community Council;
  - (d) any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:-
    - (i) any legal proceedings by or against the Community Council; or
    - (ii) the determination of any matter affecting the Community Council, (whether, in either case, proceedings have been commenced or are in contemplation).
  - (e) information relating to individuals nominated for civic awards (e.g. Citizen of the Year) prior to the announcement of the recipient. For the avoidance of doubt this does not apply to discussions relating to the filling of a vacancy arising from the resignation of an elected member of the Council.

### Standing Orders

- 9.5 Subject to the provisions of this Scheme a Community Council may make standing orders for the regulation of their proceedings and business and may vary or revoke any such orders.

### Sub-Committees

- 9.6 A Community Council may form a sub-committee to consider specified matters and may arrange for the discharge of any of its functions by such a sub-committee. If a sub-committee is appointed to discharge any of the functions of a Community Council a majority of the members of the sub-committee shall be elected members of the Community Council. Minutes of the proceedings of any sub-committee shall be presented to the next meeting of the Community Council.

### Minutes

- 9.7 Minutes of the proceedings of a meeting of a Community Council including proceedings to which the public are excluded under 9.4 shall be drawn up and shall be signed at the next meeting of the Council not called in terms of 9.2 above by the person presiding at that meeting. Thereafter minutes shall be available for inspection by any person who wishes to see a copy of the minutes.

### Declaration of Interest

- 9.8 Whether before or during any meeting of a Community Council a member of that Council becomes aware that he/she or any person connected with him/her has (whether directly or indirectly) a material interest in or relating to any matter to be or being considered he/she shall declare such interest and withdraw from the meeting during such consideration and shall not speak or vote on any question relating to the matter. Such a declaration of interest shall be recorded in the minutes of the meeting.

### 10.0 **Appointment of Office Bearers**

- 10.1 Every Community Council, at its first meeting, which shall be convened for a date within one calendar month after the election of members:-
- (a) shall elect one of its elected members to be Chair of the Council;
  - (b) may elect one or more of its elected members to be Vice-Chair;
  - (c) shall elect one of its elected members to be Secretary to the Council;
  - (d) shall elect one of its elected members to be Treasurer to the Council.

The above named office bearers will be appointed for a minimum period of 1 year.

A member of a Community Council may hold at the same time any two of the posts of Chair, Vice Chair, Secretary or Treasurer with the exception that a member cannot be both Chair and Vice Chair at the same time.

The Chair, Vice-Chair, Secretary and Treasurer shall continue in office until but not including the inaugural meeting of the Community Council, unless a motion is passed in terms of paragraph 11.0 below of the Scheme. The inaugural meeting shall at its outset be chaired by a Local Authority Councillor for the area or any other person appointed to do so by Fife Council.

#### 11.0 **Removal of Office Bearers**

- 11.1 In the event that an Office-Bearer of the Community Council is not performing his or her duties to the satisfaction of the Community Council, a motion to remove that Office Bearer from his or her post can be considered at a meeting of the Community Council, provided that notice has been given on the agenda for the meeting and the Office Bearer concerned has been given reasonable opportunity of being heard.
- 11.2 If a motion in terms of paragraph 11.1 above is passed by a two thirds majority of the current number of elected members on the Community Council then the office bearer concerned will be deemed to have been removed from that post and the post will require to be filled as the next item of business at that meeting.
- 11.3 Any Community Councillor who becomes, or acts as an election agent for, a prospective candidate for local government or parliamentary elections covering part or all of the area of the Community Council should not hold office in the Community Council during the period of the candidature. That period will commence on the day on which a candidate is nominated and shall continue until the day of the election. The Community Council should appoint a temporary replacement from within its elected members for the duration of that period.

#### 12.0 **Constitution**

- 12.1 This Scheme will act as the Constitution for all Community Councils in Fife unless a Community Council decides to adopt its own constitution in terms of paragraphs 12.2 and 12.3 below.
- 12.2 Any Community Council can adopt its own constitution if it so wishes. If a Community Council wishes to adopt its own constitution, then it shall forward the constitution for the approval of Fife Council.
- 12.3 Constitutions approved by Community Councils must not conflict with the terms of this Scheme. Any constitution approved by an individual Community Council will remain in force until Fife Councils approves a revision of this Scheme or the Community Council approves an amended Constitution.
- 12.4 Community Councils shall at all times act in accordance with law and in accordance with the terms of their constitution.



13.0 **Finance and Accounts**

13.1 The Fife Council shall in each financial year set aside funds of an amount determined by it towards the general running costs of community councils.

13.2 This sum shall consist of these elements:-

- (a) an amount to cover insurance which will be paid directly to the insurance company by Fife Council which will include public liability, employers' liability, loss and theft of money, personal accident, libel and slander and limited all risks cover for equipment.
- (b) a fixed basic grant for all community councils;
- (c) a per capita allowance per head of population of the area of the Community Council

13.3 The level of each of these elements will be agreed by Fife Council on an annual basis.

13.4 Community Councils shall be advised each year of their maximum grant allocated based on the elements above.

13.5 Prior to disbursement of grant from Fife Council, Community Councils will submit the previous year's audited accounts and a request for a required sum up to the maximum allocation.

13.6 The grant will be issued as a cheque made payable to the Community Council. Community councils not requesting their maximum allocation initially shall be able to request additional amounts up to this annual maximum should they require it. These requests should be made by the end of December of that year.

13.7 In determining the amount payable to a community council, Fife Council shall take into account any surplus funds held by the community council where:

- (i) the surplus funds are from the grant previously given by Fife Council and not from the community council's own fund raising efforts, and
- (ii) the surplus held exceeds 20% of the allocated grant; and
- (iii) the surplus funds are not being held for a specific future requirement stated by the community council.

13.8 All monies raised by or on behalf of a Community Council shall be applied to further the purposes of that Community Council (as defined in paragraphs 1.1 and 1.2 above) and for no other purpose.

13.9 Each community council shall keep books and/or records of income and expenditure. The Treasurer shall be responsible for keeping proper accounts of the finances of the Community Council. The accounts shall be audited at least once a year by the Auditor or Auditors appointed by the Community

Council. A Community Council must resolve to appoint an independent person for the purpose of auditing the Community Council's accounts.

- 13.10 Each Community Council will open a bank account in the name of the Community Council with a Bank or Building Society as the Community Council shall from time to time decide. The Community Council shall authorise in writing at least three of its members of the Community Council, one of whom shall be the Treasurer, to sign cheques on behalf of the Community Council. All cheques must be signed by not less than two of the three or more authorised signatories.
- 13.11 In carrying out their duties, a Community Council shall not incur expenditure in excess of the sum provided by way of grant unless funds to meet this additional expenditure have been raised by the Community Council themselves to cover this.
- 13.12 Local Community Groups will be eligible to apply to Community Councils for grants insofar as they meet with the objects of the Community Council.
- 13.13 The financial year of the Community Councils should coincide with that of Fife Council (i.e. 1<sup>st</sup> April to 31<sup>st</sup> March).
- 13.14 Fife Council reserves the right to withdraw funding in the event of a Community Council failing to comply with the provisions of this Scheme or any legal obligations which they are required to meet.

#### 14.0 **Consultation**

- 14.1 Fife Council recognises Community Councils as bodies which should be consulted and informed over matters of mutual interest and will make appropriate arrangements for information being supplied to Community Councils to enable them to ascertain, co-ordinate and express to Fife Council and other bodies the views of the communities they represent. Such arrangements will be incorporated in a good practice agreement detailing expectations regarding consultation and support by the Fife Council. The agreement will include a protocol regarding the attendance of Fife Councillors at Community Council meetings. The agreement shall be monitored and reviewed from time to time in consultation with Community Councils.
- 14.2 Fife Council recognises its statutory duty to consult on planning matters and has set up appropriate mechanisms to allow this to happen in accordance with Schedule 2.

#### 15.0 **Heritable Property**

- 15.1 A Community Council may with the consent of Fife Council which consent shall not be unreasonably withheld acquire and hold heritable property, the title to which shall be taken in the name of the Chair, Vice-Chair(s), Treasurer and Secretary for the time being as trustees for such Community Council and their respective successors in office.

16.0 **Equalities**

16.1 In fulfilling its purpose or carrying out any function a Community Council shall in doing so recognise that people may face discrimination on the grounds of their sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political beliefs and shall not in itself in anything it does discriminate an any of these ways.

17.0 **Comments and Complaints**

17.1 A Community Council shall encourage comments and suggestions on the exercise of its role under this Scheme.

17.2 If a complaint is made against a Community Council or individual Community Councillor, the procedure outlined in Schedule 4 shall apply.

18.0 **Dissolution of Community Councils**

18.1 If a Community Council decides that it is advisable to dissolve the Community Council it shall call a public meeting of which not less than 21 days notice shall be given stating the terms of the resolution to be proposed thereat. If such a decision is confirmed by two thirds majority of those present the Community Council shall, after payment of all debts and liabilities transfer the assets to Fife Council, to be held in trust for a future Community Council if established, or to such other organisation as the Fife Council may determine.

19.0 **Review**

19.1 Having regard to changing circumstances and to any representations made to it Fife Council shall from time to time review this Scheme and any proposed amendment to the Scheme shall be subject to consultation in accordance with Section 53 of the Local Government (Scotland) Act 1973.

## SCHEDULE 1

Number on Plan	Community Council (including details of sub-divisions if any, showing split of elected membership)	Elected Membership (for 2004 elections onwards)	Population (figures based on 2001 Census data)
1.	Kincardine	12	3,300
2.	Culross	8	526
3A.	High Valleyfield	10	1,767
3B.	Low Valleyfield	8	140
4.	Blairhall	8	689
5.	Oakley & Comrie	12	3,381
6.	Torryburn & Newmills	8	767
7.	Crombie	8	418
8.	Crossford	11	2,681
9.	Cairneyhill	11	2,576
10.	Carnock and Gowkhill	10	1,111
11.	Saline and Steelend	10	1,906
12.	Kelty	14	5,804
13.	Benarty	15	6,075
14.	Lochgelly	15	6,835
15.	Lumphinnans	8	871
16.	Cowdenbeath	19	10,001
17.	Hill of Beath	8	805
18.	Halbeath	10	1,200
19.	Kingseat	8	658
20.	Townhill (Dunfermline)	10	1,341
21A.	Milesmark and Baldrige (Dunfermline)	15	6,143
21B.	Wellwood (Dunfermline)	8	652
22.	Headwell (Dunfermline)	12	3,495
23.	Bellyeoman (Dunfermline)	12	3,481
24.	Central Dunfermline	15	6,135
25.	Touch and Garvock (Dunfermline)	14	5,421
26.	Abbeyview (Dunfermline)	16	7,956
27.	Pitcorthie (Dunfermline)	14	5,372
28.	Izatt Avenue Area and Netherton (Dunfermline)	10	1,793
29.	Charlestown, Limekilns and Pattiesmuir	13*	1,607
30.	Rosyth	20	12,468
31.	North Queensferry	10	1,105
32.	Inverkeithing	14	5,414
33.	Crossgates and Mossgreen	11	2,320
34.	Dalgety Bay and Hillend	19	10,190
35.	Aberdour	13*	1,874
36.	Auchtertool	8	493
37.	Burntisland	14	5,847
38.	Kinghorn	11	2,921
39.	Kirkcaldy West	19	10,170
40.	Templehall	20	11,131
41.	Dunnikier	13	4,088
42.	Bennoch/Hayfield	19	10,210
43.	East Kirkcaldy	18	9,178
44.	Dysart	11	2,482
45.	Thornton	11	2,111

<b>Number on Plan</b>	<b>Community Council (including details of sub-divisions if any, showing split of elected membership)</b>	<b>Elected Membership (for 2004 elections onwards)</b>	<b>Population (figures based on 2001 Census data)</b>
46.	Cardenden and Kinglassie	15	6,982
47.	Glenwood (Glenrothes)	17	8,103
48.	South Parks and Rimpleton (Glenrothes)	14	5,592
49.	Pitteuchar, Finglassie and Stenton (Glenrothes)	16	7,245
50.	Auchmuty/Woodside (Glenrothes)	15	6,766
51.	North Glenrothes	20	11,257
52.	Leslie	12	3,207
53.	Markinch	11	2,688
54.	Star of Markinch	8	489
55.	Milton and Coaltown of Balgonie	10	1,363
56.	Coaltown of Wemyss	8	554
57.	West Wemyss	8	227
58.	East Wemyss and McDuff	10	1,892
59.	Buckhaven	14	5,587
60.	Methilhill	10	1,710
61.	Methil	18	9,189
62.	Leven	17	8,209
63.	Windygates	10	1,779
64.	Kennoway	13	4,883
65.	Largo Area	15*	3,200
66.	Largoward and District	8	331
67.	Colinsburgh and Kilconquhar	8	787
68.	Elie and Royal Burgh of Earlsferry	10	1,077
69.	St Monans	10	1,505
70.	Royal Burgh of Pittenweem and District	10	1,820
71.	Royal Burgh of Kilrenny, Anstruther and District	15*	3,751
72.	Carnbee and Arncroach	8	452
73.	Royal Burgh of Crail and District	10	1,917
74.	Kingsbarns	8	490
75.	Boarhills and Dunino	8	450
76.	Royal Burgh of St. Andrews	20	15,116
77.	Strathkinness	10	1,171
78.	Cameron	8	662
79.A	Ceres & District	10	1,624
79.B	Kemback, Pitscottie & Blebo	8	589
80.	Springfield	10	1,367
81.	Royal Burgh of Ladybank and District	10	1,633
82.	Giffordtown and District	8	180
83.	Cults	8	492
84.	Kettle	10	1,419
85.	Freuchie	10	1,286
86.	Royal Burgh of Falkland and Newton of Falkland - <i>Falkland and surrounding area (8)</i> <i>Newton of Falkland (2)</i>	10	1,528

Number on Plan	Community Council (including details of sub-divisions if any, showing split of elected membership)	Elected Membership (for 2004 elections onwards)	Population (figures based on 2001 Census data)
87.	Auchtermuchty and Strathmiglo - <i>Auchtermuchty (3)</i> <i>Strathmiglo (3)</i> <i>Gateside (3)</i> <i>Dunshalt (3)</i>	12*	4,017
88.	Collessie	8	135
89.	Newburgh	11	2,119
90.	Abdie and Dunbog	8	365
91.	Creich and Flisk - <i>Flisk (2)</i> <i>Brunton (2)</i> <i>Luthrie (2)</i> <i>Carphin/Parbroath (2)</i>	8	243
92.	Moonzie	8	45
93.	Monimail	8	319
94.	Royal Burgh of Cupar and District	18	9,125
95.	Dairsie	8	653
96.	Guardbridge and District	8	778
97.	Balmullo	10	1,295
98.	Leuchars	11	2,667
99.	Tayport Ferryport-on-Craig	13	4,218
100.	Newport, Wormit and Forgan	13	4,489
101.	Balmerino, Kilmany and Logie	10	1,473

Guidelines for Elected Membership - determined in accordance with population, allowing for exceptions to suit local circumstances (such exceptions are indicated thus\*):-

<u>Elected Membership</u>	<u>Population</u>
8	1,000 or less
10	1,001 - 2,000
11	2,001 - 3,000
12	3,001 - 4,000
13	4,001 - 5,000
14	5,001 - 6,000
15	6,001 - 7,000
16	7,001 - 8,000
17	8,001 - 9,000
18	9,001 - 10,000
19	10,001 - 11,000
20	11,000 or more

## **SCHEDULE 2**

### **CONSULTATION WITH COMMUNITY COUNCILS ON PLANNING APPLICATIONS**

- All Community Councils are sent a weekly list of all planning applications.
- The Community Council can request formal consultation within 7 working days of the issuing date of the weekly list.
- Following a formal request, a minimum 14 day consultation period is initiated, beginning on the date of issue of the application details.
- Copies of the relevant plans and forms are sent directly to the Community Council as part of the consultation process.
- The case officer is identified on the weekly list to assist the Community Council, eg. for further discussion or information.
- Community Councils are also informed whether the planning application will be considered by the Area Development Committee or whether it is an application which can be determined under delegated powers to officials.
- Informal consultation and discussion also takes place if requested by the Community Council or if considered necessary by the Planning and Building Control Service.

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

### **STANDARDS OF CONDUCT**

The following key principles should be followed by all Community Councillors.

#### **Duty**

Community Councillors have a duty to uphold the law and act in accordance with the law and the public trust placed in them. They have a duty to act in the interests of the Community Council as a whole and all the communities served by it and a duty to be accessible to all the people of the area for which they have been elected to serve, and to represent their interests conscientiously.

#### **Selflessness**

Community Councillors have a duty to take decisions solely in terms of the public interest. They must not act in order to gain financial or other material benefit for themselves, family or friends.

#### **Integrity**

Community Councillors must not place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.

#### **Objectivity**

Community Councillors must make decisions solely on merit when carrying out public business.

#### **Accountability and Stewardship**

Community Councillors are accountable for their decisions and actions to the public. They have a duty to consider issues on their merits, taking account of the views of others, and they must ensure that the Community Council uses its resources prudently and in accordance with the law.

#### **Openness**

Community Councillors have a duty to be as open as possible about their decisions and actions, giving reasons for their decisions and restricting information only when the wider public interest clearly demands.

#### **Honesty**

Community Councillors have a duty to act honestly. They must declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

#### **Leadership**

Community Councillors have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of the Community Council and its Community Councillors in conducting public business.



- 2 -

**Respect**

Community Councillors must respect all other Community Councillors and the role they play, treating them with courtesy at all times.

**SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN FIFE**

**COMPLAINTS PROCEDURE**

**1. INTRODUCTION**

This schedule gives guidance on how complaints about community councils or individual community councillors will be dealt with.

It does not apply to:-

- complaints between individual community councillors
- complaints being dealt with by insurers
- complaints that are the subject of legal proceedings or statutory procedures

**2. WHAT IS A COMPLAINT**

A complaint is an expression of dissatisfaction about a community council or individual community councillor which requires action to remedy, for example:-

- Failure to conform to the Scheme for the Establishment of Community Councils in Fife or to exercise their purpose under the Scheme
- Failure to provide information or giving incorrect information
- Behaviour of, or conduct of individual community councillors acting in his/her role as a Community Councillor
- The absence of policies or procedures
- Alleged discrimination, for example on the grounds of race, gender or disability

If any doubt remains as to whether the complainant's dissatisfaction qualifies as a complaint, the complainant's wishes should be respected if he/she insists on making a complaint, then he/she should be allowed to do so and have their complaint investigated fairly in all respects.

All complaints should be responded to in writing (e-mail or letter), however at all stages communication with the complainant should be by their preferred method – e-mail, letter or telephone. The community council or community councillor who is the subject of a complaint will be invited to make representations at all stages of the process.

All timescales are in working days, however it may be that complaints may take a longer period to sort out and timescales may be extended and the complainant advised.

### **3. STAGE 1 – MAKING A COMPLAINT - LOCAL RESOLUTION**

A complaint expressing dissatisfaction about a Community Council or an individual Community Councillor should be made to the secretary of a community council.

Complaints need not be submitted in writing but may be made by speaking to the secretary who will record the complaint in writing.

If complaints are discussed with the local Fife Councillor or an officer of Fife Council then the local Fife Councillor or officer should pass the complaint to the secretary of the Community Council.

The secretary or another office bearer to the Community Council will try to resolve any complaint quickly and informally where possible and if it is not possible for immediate resolution the secretary or office bearer shall:-

- send a written acknowledgement of the complaint within 5 days. If the complaint is made verbally the acknowledgement will outline the complaint.
- carry out a further investigation of the complaint and report to the Community Council within 35 days
- inform the complainer about the outcome (in writing) within 42 days from the date the complaint was received by the secretary and give advice on Stage 2 in the event that the complainant is not satisfied with the outcome.
- write to update the complainant regularly until the outcome of the complaint is available.

### **4. STAGE 2 – APPEAL TO FIFE COUNCIL**

If a complainant is still not happy with the response of the community council to the complaint it can be referred to the Head of Law & Administration, Fife Council, for investigation and subsequent reporting to an Appeals Committee comprising Fife Council councillors having experience of Community Council operations and procedures. Such an appeal must be made within 20 days of receiving the response to the original complaint.

- The appeal will be received by the Head of Law & Administration and will be acknowledged in writing within 5 days.
- The Head of Law and Administration or appropriate Head of Service will carry out an appeal investigation seeking to negotiate an acceptable resolution and the outcome will be confirmed to the complainer within 28 days from the receipt of the appeal.

- In the event it requires to be considered by the Appeals Committee, the Sub-Committee will meet within 35 days from the date of referral to the Head of Law and Administration.
- A response will be given to the complainant within 42 days from the date of referral and the response will include advice on Stage 3 of the procedure.

## **5. STAGE 3 – APPEAL TO INDEPENDENT PANEL**

If the complaint remains unresolved (including the community council not being happy with the decision arising from the stage 2 appeal) the matter may be referred by the complainant, the Community Council or the individual community councillors to an independent 3 person panel comprising 1 Fife councillor (who did not consider the matter at stage 2), 1 community councillor from another area of Fife, and an independent person (for example a justice of the peace). The Head of Law and Administration shall make the appropriate arrangements for the panel to meet within 28 days of this referral. Such an appeal must be made within 20 days of being advised of the outcome of Stage 2.

## **6. REMEDY & REDRESS**

When at any stage a complaint is found to be upheld the response will seek to provide an appropriate resolution. This may include:-

- an explanation and an apology
- a proposal to see an appropriate resolution
- advice on any changes to be made as a result of the complaint to avoid problems recurring in the future

The independent panel at Stage 3 may impose sanctions as a result of the complaint and these sanctions may include:-

- Censure but otherwise taking no action against a member or a Community Council.
- Suspension for a period not exceeding 6 months entitlement of a member of a community council to act in such capacity and disqualification of a member of a Community Council for a period not exceeding 5 years from being or being nominated for election as or being elected such a member.

In the case of a Community Council a recommendation may be made to Fife Council that:-

- any sums payable to the community council be withheld.
- that the Community Council be dissolved in which case paragraph 17 of the scheme shall apply (paragraph 18 of the revised scheme).

**7. COMPLAINTS RELATING TO FINANCE OR CRIMINAL ACTIVITY**

Any complaints received alleging financial impropriety should be given careful consideration as to decide how to proceed and, if appropriate, the Audit and Risk Management Services Manager, Fife Council should be consulted.

Any complaints making allegations of criminal activity should involve consideration as to whether or not to involve the police.