

Item: 6

Policy and Resources Committee: 22 February 2022.

Scheme for Orkney Community Councils.

Report by Corporate Director for Strategy, Performance and Business Solutions.

1. Purpose of Report

To consider a revised Scheme for Orkney Community Councils.

2. Recommendations

The Committee is invited to note:

2.1.

That the Scheme for Orkney Community Councils was last reviewed in 2017.

2.2.

That consultation has been undertaken in respect of proposed revisions to the Scheme for Orkney Community Councils, to enable an updated Scheme to operate during and following the Community Council Elections scheduled for June 2022.

2.3.

The outcome of the consultation in respect of a revised Scheme for Orkney Community Councils, as detailed in section 4 of this report.

2.4.

The Scheme for Orkney Community Councils, attached as Appendix 1 to this report, which has been amended to reflect matters raised through the consultation process, together with other areas of best practice and current legislation.

It is recommended:

2.5.

That the Scheme for Orkney Community Councils, attached as Appendix 1 to this report, be approved, to take effect from the Community Council Elections to be held in June 2022.

3. Background

3.1.

On 28 February 2017, the Policy and Resources Committee noted:

- That the Scheme for Orkney Community Councils was last reviewed in 2007.
- That consultation had been undertaken in respect of a revised Scheme for Orkney Community Councils, to enable an updated scheme to operate following the Community Council elections scheduled for later in 2017.
- That specific matters included in the consultation were the quorum for a community council meeting, the timing of Community Council elections and the alternative election process established for islands with less than 150 on the current electoral register.
- The outcome of the consultation in respect of a revised Scheme for Orkney Community Councils, as detailed in section 6 of the report by the Chief Executive.
- The Scheme for Orkney Community Councils – 2017, attached as Appendix 1 to the report by the Chief Executive, which had been amended to reflect the matters raised through the consultation process, together with other areas of best practice and current legislation.

3.2.

The Committee recommended:

- That the Chief Executive should arrange for public consultation to be undertaken in respect of the Scheme for Orkney Community Councils – 2017, referred to above.
- That, should no adverse comments be received as a result of the public consultation, powers be delegated to the Chief Executive to thereafter publish and implement the revised Scheme for Orkney Community Councils – 2017.

3.3.

The review of the Scheme for Orkney Community Councils in 2017 resulted in two minor revisions. Due to the Local Government Boundary Commission Review at that time, the public consultation was put on hold until the outcome of that review was known. In addition, following the recent COVID-19 restrictions of 2020, the Scheme required to be reviewed to reflect the need to hold Community Council meetings via online platforms.

3.4.

Consequently, the Scheme has been revised to include the earlier amendments relating to quorum and timing of elections, in addition to the new circumstances resulting from COVID-19, to ensure that the Scheme contents are up to date prior to the Community Council Elections which will take place in June 2022.

4. Consultation on Revised Scheme

4.1.

During the period 23 April to 16 July 2021, Community Councils, Community Council Clerks, Elected Members, the Senior Management Team and the Orkney public were invited to submit comments in respect of potential revisions to the Scheme.

4.2.

The consultation proposed the following amendments to the Scheme:

Section	Amendment
Section 2.2	A sentence has been included to permit changes to Community Council boundaries which result from Local Government Boundary Commission reviews without the requirement to amend the entire Scheme.
Section 3.1	The minimum age to stand for or vote in Community Council Elections has been reduced from 18 to 16 years.
Section 4.7	The period of absence permitted without a satisfactory explanation has been reduced from 1 year to 6 months which is similar throughout Scotland.
Section 5.2	This clause has been added to permit meetings via online platforms.
Section 8.2	This section has been reworded to remove any reference to a business letter and better reflect the modern communication practices which have been established and implemented by Democratic Services for several years.
Section 9.7	This clause has been included to specify the need to have appropriate insurance cover in place for property, projects or Community Council activities.
Section 12	This has been amended to reflect current Equalities legislation.
Section 13	This has been included to cover Data Protection legislation.

4.3.

The consultation generated 24 responses, all unanimous in agreeing with the proposed amendments detailed above. No further amendments arose from the consultation.

4.4.

The proposed amendments, referred to at section 4.2 above, have been incorporated into the revised Scheme for Orkney Community Councils, attached as Appendix 1 to this report.

4.5.

Should the revised Scheme be approved, the Chief Executive will thereafter arrange for the Scheme to be published and implemented.

5. Corporate Governance

This report relates to the Council complying with the Local Government (Scotland) Act 1973 and therefore does not directly support and contribute to outcomes for communities as outlined in the Council Plan and Local Outcomes Improvement Plan.

6. Financial Implications

There are no financial implications arising directly from the recommendations of this report.

7. Legal Aspects

Sections 51 and 52 of the Local Government (Scotland) Act 1973 provide for the establishment of community councils and authorise local authorities to prepare and maintain schemes for their election and administration.

8. Contact Officers

Karen Greaves, Corporate Director for Strategy, Performance and Business Solutions, extension 2202, email karen.greaves@orkney.gov.uk

Maureen Spence, Democratic Services Manager, extension 2200, email Maureen.spence@orkney.gov.uk

9. Appendix

Appendix 1: Scheme for Orkney Community Councils.



Scheme for Orkney Community Councils

Review/Updates to Scheme for Orkney Community Councils.

Date.	Committee.	Review/update – amendments made.

Contents

Scheme for Orkney Community Councils	1
1. General Introduction	4
2. Number of Community Councillors	4
3. Community Council Elections	4
4. Election of Community Council Members	5
5. Community Council Meetings	6
6. Election of Office-bearers and Representatives.....	7
7. Conduct of Meetings	8
8. Administrative Support for Community Councils.....	8
9. Financial Support for Community Councils	9
10. Financial Regulations.....	10
11. Property	10
12. Equalities	10
13. Data Protection Legislation	10
14. Breach	10
Appendix 1	11
Numbers of Community Councillors	11
Appendix 2.....	12
Code of Conduct for Community Councillors.....	12
Appendix 3.....	15
Constitution for (Insert Name) Community Council.....	15
Appendix 4.....	19
Community Council Grant Scheme (CCGS).....	19

1. General Introduction

1.1. Sections 52 and 53 of the Local Government (Scotland) Act 1973, as amended, permit the Council to prepare a scheme for community councils. A Scheme for Orkney Community Councils was adopted in 1975, and subsequently amended in –1994, 2007 and 2022.

1.2. Orkney Islands Council reserves the right, following consultation with the Community Councils, to insert any new clause or delete or amend any existing clause within the scheme which may be required in consequence of any decision of Orkney Islands Council.

1.3. Following the Local Government Boundary Commission review of electoral boundaries which was effective from the Local Government elections in 2007, the Scheme for Community Councils was amended to take account of the revised areas of Islands Council electoral wards and Community Council areas.

1.4. The unique geographical distribution of the Orkney Islands area lends itself to the neighbourhood type of Community Council. On the whole this envisages relatively small compact and identifiable areas retaining a “grass roots” association in even the smaller islands.

2. Number of Community Councillors

2.1. In order to ensure the widest possible spectrum of opinion each Community Council shall have a minimum complement of seven members. Each Community Council serving areas which consist of more than 1,000 electors, contained within the current register of electors for that area, on the date of the Community Council election, will increase by one member for each additional 1,000 electors or part thereof, subject to:

- The maximum number of Community Councillors on each Community Council being limited to twelve; and
- The number of Community Councillors elected for each area remaining in force until the next Community Council election.

2.2. A list of the current Community Councils and the number of members in each is attached as Appendix 1 to this Scheme. Orkney Islands Council may determine, following consultation with Community Councils, to change the boundaries or membership of Community Councils in certain circumstances such as following a Local Government Boundary Commission review.

3. Community Council Elections

3.1. The minimum age to stand for election to a Community Council is 16 years. Any 16 or 17 year-olds, residing in the Community Council area, and named on the Electoral Register, for that area are entitled to both stand for the Community Council and vote in any Community Council election.

3.2. The minimum complement of members required to establish a Community Council shall be two-thirds of the seats on the Community Council but shall never be less than five members. In the event that less than five seats of a Community Council have been filled

after an election, the electoral process shall be deemed to be null and void and a further election shall be held for that Community Council after one year. If five or more of the seats remain unfilled after a second election, no further elections shall be held until the next full Community Council election.

3.3. If at least five members of a Community Council have been elected after an election, any vacancies remaining shall be filled by Orkney Islands Council calling a public meeting, to be held within the Community Council area, giving a minimum of seven days' notice and specifying that the meeting is being held to fill the vacancy or vacancies for Community Councillors.

3.4. Nominations, which must be proposed and seconded by electors contained within the current electoral register for that Community Council area in which the vacancy or vacancies exist, will be called for at the public meeting, and the vacancy/vacancies will be filled by secret ballot carried out at that meeting. Only electors on the current electoral register for that Community Council area can be nominated and have voting rights in the process. Where there is an equality of votes, the matter will be decided by lot. The consent of any nominated candidate, who is not present at the meeting, must be produced in writing to Democratic Services prior to the vote being taken.

3.5. Public meetings held to fill a vacancy or vacancies on any Community Council shall be held on a date to be determined by the Chief Executive of Orkney Islands Council but such meetings shall not be held in respect of that same Community Council at intervals of less than six months.

4. Election of Community Council Members

4.1. Members of Community Councils shall be elected by secret ballot. The conduct of Community Councils elections will be governed by the Returning Officer for Orkney Islands Council.

4.2. Each candidate is required to complete a nomination form, duly signed by one witness. The names of both the candidate and the witness must be entered on the current electoral register for that Community Council area.

4.3. Elected members of Orkney Islands Council, Chief Officials of Orkney Islands Council and Democratic Services staff shall not be eligible for nomination as Community Councillors.

4.4. Community Council elections shall be held approximately one month after the Local Government election on a date to be determined by the Chief Executive of Orkney Islands Council. This includes Community Council areas where the total number of registered electors on the electoral roll in force at the time of the Community Council election does not exceed 150, in which case, at the discretion of Orkney Islands Council, all registered electors in the Community Council area, other than Elected Members of the Council, Chief Officials and Democratic Services staff, employed by Orkney Islands Council, will be deemed eligible for election.

4.5. Where a Community Council consists of more than one island or parish and each of those islands or parishes has more than ten electors entered on the current register of

electors on the date of the Community Council election, one candidate from each island or parish should be elected in the first instance.

4.5.1. The candidate with the highest number of votes in each discrete island or parish will be elected. Other vacancies for that Community Council will then be filled on a first past the post basis.

4.6. All members accepting election to a Community Council do so in the understanding that they must comply with the Scheme of Orkney Community Councils and adopt the Code of Conduct for Orkney Community Councillors, attached as Appendix 2 to this Scheme.

4.7. Community Councillors who have not attended any meetings of their Community Council for a period of 6 months without giving a satisfactory explanation shall be deemed to have resigned. The vacancy will be filled in accordance with the procedure for a casual vacancy.

5. Community Council Meetings

5.1. A Community Council shall not hold its first meeting unless at least five members of its complement have been elected. Each Community Council shall have the right to determine the number of meetings it shall hold provided that at least four meetings are held annually – preferably one in each quarter of the year.

5.2. Meetings shall normally be called by Democratic Services staff and held either in a local venue or via an online platform.

5.3. A quorum shall consist of one-half of the number of the Community Council seats, but shall never be less than four.

5.4. All meetings of Community Councils shall be open to the public but all Community Councils reserve the right to exclude the press and public from meetings during discussion of confidential items if such action is carried by the vote of a majority of all Community Councillors present and voting.

5.4.1. Notwithstanding the above paragraph, if any commercially sensitive or personal information relating to an item is provided to a Community Council, the item may be considered in private.

5.5. An Elected Member of Orkney Islands Council, or Democratic Services staff, shall not be entitled to propose or second a motion or an amendment to a motion, nor shall he/she be entitled to vote.

5.6. Agendas for Community Council meetings shall be issued to members and made publicly available seven days prior to the next scheduled Community Council meeting. These will be displayed at suitable places within the area served by the Community Council wherever possible.

5.7. If a Special meeting is required to discuss a matter of an urgent nature then a meeting can be called at short notice but this should never, except in exceptional circumstances and with the agreement of Democratic Services staff, be less than three days. Agendas

should be displayed publicly in accordance with the procedures for general meetings of the Community Council.

5.8. Minutes of Community Council meetings, once approved at a subsequent meeting of each respective Community Council, shall be publicly displayed with the exception of any parts of a Minute which relate to items taken in private.

5.9. It is not permissible to film, photograph or otherwise record the proceedings of Community Council meetings, unless permission of the Chair has been obtained, in consultation with Democratic Services, not less than five clear days before the meeting.

5.10. If a matter requires action to be taken before the next scheduled meeting, then decisions can be taken by a majority of members and this would be minuted at the next scheduled meeting.

5.11. A Community Council may establish a Sub-committee for specific projects and terms and remit of the Sub-committee must be agreed by a majority of members.

6. Election of Office-bearers and Representatives

6.1. At the beginning of the first meeting held after an election, and on an annual basis thereafter, provided that five of the total number of Community Councillors have been elected, the Community Councillors shall appoint a Chair who shall be one of their own number.

6.2. Democratic Services staff shall open the meeting and conduct the business of electing a Chair by secret ballot.

6.3. Once a Chair has been elected, the Community Council should elect a Vice-Chair who shall be one of their own number and who should deputise in the absence of the Chair. Any other necessary representatives should then be elected.

6.4. The Chair, Vice-Chair and representatives shall be elected annually but the outgoing Chair, Vice-Chair and representatives shall be eligible for re-election.

6.5. An Elected Member of Orkney Islands Council shall not be entitled to accept nomination for the post of Chair of any Community Council or to otherwise participate in the election of any office bearers or representatives.

6.6. During meetings of Community Councils, deference should be paid to the authority of the Chair who shall decide all matters of order, competency and relevance. His/her duty is to ensure that business considered at any Community Council meeting is conducted properly and in accordance with the Scheme for Orkney Community Councils. It is the duty of the Chair to preserve order within the meeting and to ensure that all members obtain a fair hearing.

6.7. The Chair shall have both a deliberative and a casting vote.

6.8. With the exception of the authority referred to at 6.6 and 6.7 above, the Chair of any Community Council holds no special power over and above that held by any other member of the Community Council.

6.9. There may be occasions where the Chair is invited to represent the Community Council at meetings convened by other organisations. Each Community Council will determine whether the Chair should accept such an invitation or whether another member should attend instead. Each Community Council may reimburse travel expenditure, in relation to such attendance, subject to the minimum costs being incurred and not having been met from any other source.

6.10. If the Chair is present at a meeting he/she must assume the Chair. In the event of the Chair being absent from a meeting, or part thereof, the Chair shall be taken by the Vice Chair, whom failing, by a Chair appointed pro tempore and while in the Chair such person shall have the same powers and responsibilities as if he/she were Chair.

7. Conduct of Meetings

7.1. Following each Community Council election, each Community Council shall adopt a Constitution based on the model Constitution, attached as Appendix 3 to this Scheme.

8. Administrative Support for Community Councils

8.1. Orkney Islands Council shall appoint/retain a Clerk to each Community Council who shall not be a member of the Community Council. This appointment will be made by Democratic Services, in accordance with the recruitment policy of Orkney Islands Council, although the Community Council, or a representative, would be consulted. A member of the Community Council, normally the Chair, may be invited to participate in the recruitment process.

8.2. It shall be the duty of the Clerk to a Community Council, as part of the Democratic Services team, to convene all meetings of the Community Council, to take minutes, complete a financial statement and to undertake any correspondence or any other appropriate duties on behalf of the Community Council. The Clerk must also submit minutes and details of any representations, responses, requests or actions requiring Orkney Islands Council's attention to Democratic Services as soon as practicable following each Community Council meeting.

8.3. The Clerk, as a part-time employee of Orkney Islands Council, shall be entitled to remuneration which will be calculated annually by Orkney Islands Council. The salary payable to each Clerk shall be met by Orkney Islands Council and shall have no effect on the annual grants and allocations made to Community Councils in accordance with Section 9. Reasonable general expenses must be met by each respective Community Council.

8.4. Orkney Islands Council will retain nominated officials in Democratic Services who will support Community Councils and will also provide reasonable administrative assistance and procedural advice to the Community Councils where practicable and appropriate. Any correspondence between Community Councils and individual services within Orkney Islands Council should be submitted to Democratic Services.

9. Financial Support for Community Councils

9.1. In addition to any funds which Community Councils may raise by their own efforts, Orkney Islands Council will provide annual grants to each Community Council, which may be disbursed at the sole discretion of the Community Council, comprising:

- A lump sum grant.
- An additional grant in the case of Community Councils covering dual parishes or more than one island.
- A grant per elector registered on the current Electoral Register for the entire Community Council area.

9.1.1. The above method of calculating annual grants to Community Councils will normally be adjusted annually subject to the approval of Orkney Islands Council. Notwithstanding the above Orkney Islands Council may determine to change the method of calculating annual grants at any time.

9.2. All Community Councils, with the exception of Kirkwall and St Ola and Stromness, will have the opportunity to assist Orkney Islands Council with administration of the maintenance of burial grounds within the respective Community Council areas.

9.3. Orkney Islands Council may, subject to prior written agreement, pay the Clerk's salary and the cost of hiring meeting rooms, or reasonable online platform costs, for the first eight meetings held in each calendar year. Thereafter, the Clerk's salary and any additional meeting costs will be charged to the respective Community Council.

9.4. Each Community Council may apply to Orkney Islands Council for assistance with the cost of specific projects in accordance with the terms and conditions of the Community Council Grant Scheme as detailed in Appendix 4 to this Scheme, subject to any subsequent additions, deletions and/or amendments to categories and conditions of the Community Council Grant Scheme.

9.5. Additionally, a multi-island Community Council may be reimbursed, at the discretion of Orkney Islands Council, with the actual costs of travel and overnight accommodation for members who have to attend relevant, properly convened, meetings on other islands within their Community Council area.

9.6. Where boundary adjustments alter the area covered by Community Councils, any residual funds held by the respective Community Councils will be reapportioned to the new Community Councils covering these areas in proportion to the number of registered electors in each relevant polling district on the electoral roll in force at that time. Any other assets held by these Community Councils will be retained or disposed of by mutual agreement. In the event that matters cannot be resolved by mutual agreement of relevant Community Councils, the matter will be determined by Orkney Islands Council.

9.7. All Community Councils must hold suitable insurance to cover Community Council property, property contents and Community Council events and activities, the cost of which is eligible for assistance from the Community Council Grant Scheme. Democratic Services will administer this process for all Community Councils.

10. Financial Regulations

10.1. All ordering and certification procedures required by Orkney Islands Council must be observed before invoices are forwarded to Democratic Services for payment.

10.2. Tendering procedures of Orkney Islands Council must be adhered to when administering projects.

10.3. Periodic statements of receipts and payments will be provided by Orkney Islands Council for the information of the Community Council.

10.4. A summarised receipts and payments statement made up to 31st March each year will be provided by Orkney Islands Council. This statement will also show the carried-over balance available to the Community Council for spending during the following financial year. The annual statement must be publicly displayed in a suitable place within the area of the Community Council, within fourteen days of receipt by the Clerk.

10.5. All Community Council expenditure must comply with the Financial Regulations of Orkney Islands Council and decisions on financial matters must be taken by a quorum of members.

11. Property

11.1. Any Community Council may purchase, sell, lease or otherwise acquire and grant rights in heritable property. The title in whose name any property belonging to the Community Council is to be held and by whom any deeds will be granted shall run in the name of the Chair, Vice Chair and Clerk of the Community Council and their successors in office as trustees for and on behalf of the Community Council.

12. Equalities

12.1. Equal opportunities legislation that makes it unlawful to discriminate against persons or groups on the grounds of race, gender, gender recognition, disability, age, sexual orientation, and religion or belief. Community Councils must comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.

13. Data Protection Legislation

13.1. Community Councils must adhere to all relevant data protection legislation, including but not limited to the Data Protection Act 2018, and those who process personal data and determine how and for what purpose it is processed must register with the Information Commissioner's Office (ICO). This legal responsibility will be monitored and administered by Democratic Services. See the ICO website for further information.

14. Breach

14.1. Any breach of this Scheme for Orkney Community Councils may be reported to Orkney Islands Council to determine what action, if necessary, should be taken.

Appendix 1

Numbers of Community Councillors

Community Council	Number of Community Councillors
Birsay	7 Members
Eday	7 Members
Evie and Rendall	7 Members
Firth and Stenness	8 Members
Flotta	7 Members
Graemsay, Hoy and Walls	7 Members
Holm	7 Members
Kirkwall and St Ola	12 Members
North Ronaldsay	7 Members
Orphir	7 Members
Papa Westray	7 Members
Rousay, Egilsay, Wyre and Gairsay	7 Members
Sanday	7 Members
Harray and Sandwick	8 Members
Shapinsay	7 Members
South Ronaldsay and Burray	8 Members
St Andrews and Deerness	7 Members
Stromness	8 Members
Stronsay	7 Members
Westray	7 Members

Appendix 2

Code of Conduct for Community Councillors

1. Introduction

1.1. This Code, which is based on the model Councillors' Code of Conduct produced by the Standards Commission Scotland, should guide the conduct of Community Councillors.

1.2. It is your responsibility to make sure that you are familiar with this Code and that your conduct complies with it.

1.3. Failure to comply with this Code may result in your being suspended or banned from serving as a Community Councillor

2. Role of Democratic Services Manager in respect of Code of Conduct

2.1. The Democratic Services Manager is a member of staff in the Chief Executive's Service, Orkney Islands Council. In addition to the main liaison role he/she will have prime responsibility for monitoring the working relationship between Community Councils and Orkney Islands Council, reviewing this Code of Conduct and ensuring that consultation mechanisms are operational. In addition, he/she will have a monitoring role in relation to Community Council functions to ensure adherence to the Constitutions, Orkney Islands Council's Financial Regulations and the Scheme for Orkney Community Councils.

3. Community Council Representation

3.1. Community Council communications should be issued by the Clerk and must reflect the majority view of members of that particular Community Council and be minuted accordingly.

3.2. A Chair or member of a Community Council should not officially convey personal opinions to the public, press or another body where those opinions or views would be at odds with the recorded decision of the Community Council or be taken to represent the view of the Community Council.

4. Public Duty and Private Interest

4.1. Your duty as a Community Councillor is to represent the whole local community served by your Community Council.

4.2. Any member who has any pecuniary (financial) interest, direct or indirect, in any contract, proposed contract or other matter, present at a meeting of the Community Council where this matter is the subject of consideration **must** disclose such interest and **must** retire from the meeting during discussion and determination of this item.

4.3. If you have any private interest in a matter being discussed by your Community Council, you should consider whether it would be appropriate for you to declare this interest and to withdraw from discussion and determination of that matter.

4.4. In considering this, you should have regard to the following criteria:

- Criterion A – that members of the public might reasonably think the private interest could influence you, stifle discussion, or influence other members through your presence; and/or
- Criterion B – that members of the public might reasonably think the private interest creates a real danger of bias on your part because it affects you, or someone connected with you, or an organisation where you are an office-bearer, more than any other person or more than the generality of other persons affected by the matter.

4.5. In the case of a private interest that meets Criterion A but not Criterion B you should declare your interest but you may decide to participate in discussion and determination of the matter.

4.6. In the case of a private interest that meets Criteria A and B, you should declare your interest and seriously consider withdrawing from discussion and determination of that item.

4.7. Private pecuniary (financial) interests may be more likely to be of a nature that meets the above criteria but private non-pecuniary interests may also meet these criteria. The fundamental principle to bear in mind is that you should not do anything that you cannot justify to the public in the terms of this Code.

5. Gifts and Hospitality

5.1. You should treat with extreme caution any gift, favour or hospitality that is offered to you personally. The person or organisation making the offer may be doing, or seeking to do, business with the Community Council or may be applying to the Community Council for some kind of decision or recommendation.

5.2. You are personally responsible for all decisions in this regard and for avoiding the risk of damage to public confidence in the Community Council. The offer or receipt should always be reported to the Clerk of the Community Council.

6. Dealings with Orkney Islands Council

6.1. If you have dealings with Orkney Islands Council on a personal level, you should never seek or accept preferential treatment, by virtue of your position as a Community Councillor, for yourself or for anyone personally connected with you. You should also avoid placing yourself in a position that could lead the public to reasonably believe you are receiving such treatment.

7. Use of Expenses, Allowances and Facilities

7.1. You should always make sure that any expenses, allowances, or facilities, approved by members, provided for use in your duties as a Community Councillor are used strictly for those duties and for no other purpose.

8. Appointments to Other Bodies

8.1. You may be appointed or nominated by your Community Council as a member of another body – for instance a voluntary organisation. You should always observe this Code in carrying out your duties for that other body in the same way that you would with regard to your Community Council.

9. Breach

9.1. Any breach of this Scheme for Community Councils may be reported to Orkney Islands Council to determine what action, if necessary, should be taken.

10. Conclusion

10.1. The practical application of these rules is a matter for your own judgement but, if in any doubt as to how they should be applied, you should seek advice from Democratic Services.

10.2. As well as avoiding actual misconduct, you should avoid any appearance of misconduct. Your conduct and what the public believes about your conduct will affect the reputation of your Community Council.

Appendix 3

Constitution for (Insert Name) Community Council

1. The Community Council shall be known as (insert name) Community Council.
 2. The Community Council will abide by the terms and conditions defined in the Scheme of Orkney Community Councils.
 3. All Community Councillors must abide by the rules in the Code of Conduct for Community Councillors as duly signed within the nomination form.
 4. The Community Council shall determine the number of meetings it shall hold but a minimum of four meetings will be held annually – preferably one in each quarter of the year.
 5. The minimum complement of members required to establish a Community Council shall be two-thirds of the seats on the Community Council but shall never be less than five members.
 6. All meetings of the Community Council shall be called by notice issued by Democratic Services, posted where practicable, seven days before the date of the meeting, except special meetings which may be called, giving three days' notice, on the requisition of the Chair of the Community Council or a demand in writing made by one-third of the elected Community Councillors.
 7. A Special meeting may be called at short notice to discuss a matter of an urgent nature but notice should never be less than three days unless within exceptional circumstances and with the agreement of Democratic Services. Agendas should be displayed publicly in accordance with the procedures for general meetings of the Community Council. Special meetings should be called for one item only.
 8. The quorum of the Community Council shall consist of one-half of the seats on the Community Council but shall never be less than four members.
 9. All meetings of Community Councils shall be open to the public but all Community Councils reserve the right to exclude the press and public from meetings during discussion of confidential items if such action is carried by the vote of a majority of all Community Councillors present and voting.
- Notwithstanding the above, if any commercially sensitive or personal information relating to an item is provided to a Community Council, the item may be considered in private.
10. Orkney Islands Council will pay the Clerk's salary and cost of hiring meeting rooms for the equivalent of eight meetings held in any calendar year. Thereafter, the Clerk's salary and any additional meeting costs will be charged to the respective Community Council.
 11. At the first meeting held after the ordinary elections and on an annual basis thereafter, as laid down in the Scheme for Orkney Community Councils and provided that five of the total number of Community Councillors have been elected, the members of the Community Council shall appoint a Chair who shall be one of their own number and who

shall normally hold office for a period of one year. Democratic Services staff shall open the meeting and conduct the business of electing a Chair by secret ballot.

12. The Chair, Vice-Chair and representatives shall be elected annually thereafter but the outgoing Chair, Vice-Chair and representatives shall be eligible for re-election.

13. Orkney Islands Councillors shall not be entitled to accept nomination for the post of Chair of the Community Council or to otherwise participate in the election of the Chair.

14. Once a Chair has been elected, the Community Council should elect a Vice-Chair who shall be one of their own number and who should deputise in the absence of the Chair. Any other necessary representatives should then be elected.

15. Deference shall, at all times during a meeting, be paid to the authority of the Chair who shall decide all matters of order, competency and relevancy and his/her ruling shall be final and shall not be open to discussion. It shall be the duty of the Chair to preserve order within the meeting and to ensure that members obtain a fair hearing.

16. The Chair shall have both a deliberative and a casting vote.

17. With the exception of the authority referred to at 15 and 16 above, the Chair of any Community Council holds no special power over and above that held by any other member of the Community Council beyond conducting business.

18. In the event of the Chair being absent from a meeting, the Chair shall be taken by the Vice Chair, whom failing, by a Chair appointed pro tempore and while in the Chair such person shall have the same powers and duties as if he/she were Chair.

19. Every motion should be moved and seconded and any subsequent vote recorded.

20. Whenever an amendment upon an ordinary motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment has been dealt with, but notice of any number of further amendments must be given before the vote is taken on the first amendment. A brief verbal summary of the content of the further amendment may be given with the consent of the Chair.

21. An Elected Member of Orkney Islands Council, or Democratic Services staff, shall not be entitled to propose or second a motion or an amendment to a motion, nor shall he/she be entitled to vote.

22. In the event of any member at any Community Council meeting disregarding the authority of the Chair or being guilty of obstructive or offensive conduct, a motion may be thereupon moved and seconded to suspend such member for the remainder of the meeting. The motion shall be put to the meeting without discussion and, if supported by a majority of the members present, the motion shall be declared carried. If such a motion is carried, the member or members involved shall thereupon retire from the meeting.

23. Any member who has any pecuniary (financial) interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting of the Community Council at which such contract, proposed contract or other matter is the subject of

consideration **must** disclose such interest and shall retire from such meeting of the Community Council while such contract, proposed contract or other matter in which he/she has a pecuniary interest as aforesaid is under consideration.

24. Any member who has a personal interest in any matter being considered should disclose this interest and should consider retiring from the meeting during discussions. This includes holding office in a Board or Committee within any external organisation.

25. In the event of a casual vacancy for a member of the Community Council occurring during the term of office, the vacancy shall be filled by Orkney Islands Council calling a public meeting, to be held within the Community Council area, giving a minimum of seven days' notice and specifying that the meeting is being held to fill the vacancy.

26. Nominations, which must be proposed and seconded by electors contained within the current electoral register for that Community Council area in which the vacancy or vacancies exist, will be called for at the public meeting, and the vacancies will be filled by secret ballot carried out at that meeting. Only electors on the current electoral register for that Community Council area can be nominated and have voting rights in the process. Where there is an equality of votes, the matter will be decided by lot. The consent of any nominated candidate, who is not present at the meeting, must be produced in writing to the Clerk prior to the vote being taken.

27. Public meetings held to fill a vacancy or vacancies on any Community Council shall be held on a date to be determined by the Chief Executive of Orkney Islands Council but such meetings in respect of that same Community Council shall not be held at intervals of less than six months.

28. Community Councillors who have not attended any meetings of the Community Council for a period of 6 months without giving a satisfactory explanation shall be deemed to have resigned. The vacancy shall be filled according to the procedures for a casual vacancy.

29. Agendas for Community Council meetings shall be publicly displayed for seven days prior to the next scheduled Community Council at suitable places within the area served by the Community Council.

30. Minutes of Community Council meetings, once approved at a subsequent meeting of each respective Community Council, shall be publicly displayed with the exception of any parts of a Minute which relate to items taken in private.

31. All agendas and minutes of the Community Council shall be submitted to Orkney Islands Council.

32. Orkney Islands Council shall appoint/retain a Clerk who shall not be a member of the Community Council.

33. All correspondence between Community Councils and any Services of Orkney Islands Council should be carried out via Democratic Services.

34. If a matter requires action to be taken before the next scheduled meeting, then decisions can be taken by a majority of members and this would be minuted at the next scheduled meeting.
35. A Community Council may establish a Sub-committee for specific projects and terms and remit of the Sub-committee must be agreed by a majority of members.
36. Orkney Islands Council shall allocate a sum annually which may be expended at the discretion of the Community Council.
37. Periodic statements of receipts and payments will be provided by Orkney Islands Council for the information of the Community Council.
38. A summarised receipts and payments statement made up to 31 March each year will be provided by Orkney Islands Council. This statement will also show the carried-over balance available to the Community Council for spending during the following financial year. The annual statement must be publicly displayed in a suitable place within the area of the Community Council, within fourteen days of receipt by the Clerk.
39. All Community Council expenditure must comply with the Financial Regulations of Orkney Islands Council and decisions on financial matters must be taken by a quorum of members.
40. Tendering procedures of Orkney Islands Council should be followed when administering projects.
41. All ordering and certification procedures required by Orkney Islands Council must be observed before invoices are forwarded via Democratic Services for payment.
42. Public liability insurance must be obtained by the Community Council.
43. It is not permissible to film, photograph or otherwise record the proceedings of Community Council meetings, unless permission of the Chair has been obtained, in consultation with the Democratic Services, not less than five clear days before the meeting.
44. (Insert name) Community Council may purchase, sell, lease or otherwise acquire and grant rights in heritable property. The title in whose name any property belonging to the Community Council is to be held and by whom any deeds will be granted shall run in the name of the Chair, Vice Chair and Clerk of the Community Council and their successors in office as trustees for and on behalf of the Community Council.
45. Any breach of the Scheme for Orkney Community Councils may be reported to Orkney Islands Council to determine what action, if necessary, should be taken.

Appendix 4

Community Council Grant Scheme (CCGS)

Terms And Conditions

Financial assistance will be granted, to an annual ceiling (known as the Capping Limit), to Community Councils at 50%, 60%, 75% or 80% of the cost of projects submitted by Community Councils if they are deemed appropriate within the “List of Approved Categories”.

Community Councils must consider whether to provide assistance towards any project and whether CCGS may be utilised towards this financial assistance. The decision to make an application for CCGS assistance must be made by a majority of members and minuted accordingly. Distinction must be clearly made, and duly minuted, on whether the assistance is to be granted to the applicant regardless of assistance being approved through CCGS or whether the financial assistance is to be awarded only if assistance is approved through CCGS.

In any financial year, if the annual Capping Limit is reached, further funding must be met entirely from the Community Council’s own funds. If the appropriate Capping Limit has not been reached within any financial year, the remainder does not carry forward into the next financial year.

Retrospective grants will not be approved by Orkney Islands Council. However, provided that the original request for funding is received by the Clerk before the actual event or project has commenced, then the project costs would be eligible under CCGS.

CCGS application forms must be submitted to Democratic Services. Notification of approved assistance should normally have been received by the Clerk before any expenditure has been incurred.

CCGS assistance being claimed will only be paid on submission of satisfactory evidence of relevant expenditure being incurred.

List of Approved Categories

Approved Categories for 60% Grant Assistance

A1.	Cost of maintenance of and equipment for Kirkyard caretaking.
A2.	Cost of reinstating fallen and insecure gravestones and improvements to burial grounds such as levelling and reseeding.
A3.	Cost of providing facilities and equipment for community wings of community schools.
A4.	Cost of providing high visibility clothing for school children.
A5.	Cost of providing transport for school children who do not qualify for local authority school transport.
A6.	Provision of equipment and facilities for play groups, drama groups, sports clubs, or other groups or clubs established to provide recreational or pre-educational facilities.
A7.	Cost of providing play equipment for Council approved play areas.
A8.	Transport costs and/or training fees within Orkney associated with recreational and educational groups based in an Orkney area.
A9.	Transport costs and/or training fees within Orkney associated with recreational and educational groups, based in an Orkney area, outwith Mainland Orkney.
A10.	Cost of hiring Orkney Ferries or other appropriate vessels, or chartering aircraft, by groups for recreational activities. Where Orkney Ferries vessels are used, 60% grant should be calculated after deduction of fares for all passengers on the journey, calculated on the standard scheduled service rate being applied on the respective route at the time of the hire.
A11.	Cost of meals and travel for Senior Citizens, including costs in connection with the provision of minibuses for that purpose.
A12.	Cost of operating schemes to promote waste disposal.
A13.	Cost of providing benches and tables in public areas.
A14.	Cost of providing training and equipment for Community Council Clerks.
A15.	Cost of producing audio or visual material which promotes tourism or preserves heritage.
A16.	Cost of cutting grass in amenity areas not maintained by OIC.
A17.	Cost of providing hospitality, with the exception of alcoholic beverages, for the North Isles Sports event.
A18.	Cost of providing fireworks displays.
A19.	Cost of maintenance or improvement to the Papa Westray Private Water Scheme.
A20.	Costs in connection with museums under Community Council control and other similar facilities.

A21.	Cost of vermin eradication programmes.
A22.	Costs in connection with the provision of funerary and burial services in island areas.
A23.	Capital expenditure in connection with the maintenance and upgrading of buildings and equipment for businesses in community ownership, including community co-operatives.
A24.	Assistance with administrative and organisational costs incurred by development groups.
A25.	Assistance with the cost of providing or improving local amenities or projects providing community benefit.
A26.	Assistance with the cost of producing local newsletters.
A27.	Cost of repairs and maintenance to war memorials and their immediate curtilage.
A28.	Costs relating to weighbridge replacement or maintenance.
A29.	Cost of public liability insurance for Community Councils.
T1.	Costs in connection with transporting aggregate materials from mainland Orkney to islands.

Approved Categories for 75% Grant Assistance

B1.	Costs incurred to maintain and provide facilities and equipment for halls and community centres, not in Council ownership, together with their associated car parks and playing fields.
-----	---

Approved Categories for 80% Grant Assistance

C1.	Cost of removing debris from local areas, subject to a maximum cost of £300 per Community Council in any financial year which includes the Bag the Bruck event.
C2.	Assistance to car owners for the removal of scrap cars from the outer islands at a cost not to exceed the single fare of a car between the isles and the Orkney mainland.

Approved Categories for 50% Grant Assistance

D1.	Cost of improvements to private roads, including peat roads.
-----	--