

## COMMUNITY COUNCIL – SOME COMMON QUESTIONS

- Minutes and Agendas – Section 3 of the Scheme and Section 11(j) of the Model Constitution and Standing Orders

The minutes and agendas of community council meetings should be sent to all members, including all of the ex-officio ward councillors, at least 4 days in advance of meetings. They should be emailed to me at the same time unless they are available for me to download from your community council website.

Minutes and agendas should be displayed locally to inform the community of the work of the community council. The Scheme recommends they are displayed in public places or online via websites, social media, etc.

- Private Meetings – Section 11(m) and Section 15 of the Model Constitution and Standing Orders

All meetings of the community council and its committees should be open to members of the public. Provision should be made to allow members of the public the opportunity to address the community council under the guidance of the Chair.

Community councils can meet in private however this should only be in exceptional circumstances if, for example, the item to be discussed is sensitive and could lead to a member of the community, local business, etc, being identified.

Here is a recent example of a community council that agreed to meet in private for the first 30 mins of their regular meeting –

They community council secured a meeting with a local GP to discuss community-wide concerns about healthcare services. The GP was reluctant that confidential details about patients/patient experiences could inadvertently come out during the discussion. The community council notified the community of the reasons for their decision to meet in private and invited members of the public to bring to their attention any matters they wished to be raised during the meeting with the GP. In doing so, the cc was open on its reasons for holding that part of their meeting in private and it ensured there was a method for members of the public to feed their comments into the process.

- Quorum – Section 10 of the Scheme and Section 11(b) of the Model Constitution and Standing Orders

The quorum for each meeting is 1/3rd of the current voting membership, or 3, whichever is the greater. A member who participates virtually counts towards the quorum.

Ward councillors **do not count** towards the quorum.

- Non-Attendance of Members – Section 9 of the Scheme

Where no leave of absence has been granted, and a community council member has been absent for 3 or more meetings, the community council can write to them asking about their non-attendance and whether they plan to return.

If a community council member fails to attend any meeting throughout a period of 6 months, the community council may terminate their membership. Any response received regarding their non-attendance must be considered by the community council before they make any decision to terminate membership.

Please note that this does not apply to ward councillors. As elected councillors, they have their own Code of Conduct they must follow. Councillors will try whenever possible to attend community council meetings in their wards. In those wards with more than one community councils, elected councillors may split areas to attendance is more manageable around their other evening meeting commitments.

Do bear in mind that councillors can be contacted by email for advice if they don't manage to attend your meetings. If you need a list of ward members for your area, please let me know.

- Insurance – Section 15 of the Scheme and Section 1 of the Community Council Guidance Documents

West Lothian Council continues to arrange a basic scheme of liability insurance through Zurich. However, it is no longer a block policy due to recent changes to Financial Conduct Authority Rules and GDPR.

It is now a specific policy per community council. Policies are sent direct to secretaries usually around May each year. The community council must decide whether the policy is still covering all their risks and accept the terms to keep the insurance operational.

Once a community council has accepted the terms of the policy, the invoice is sent to WLC for payment. Community councils should not pay any invoice. If Zurich inadvertently sends you an invoice, please ask them to direct it to Kenneth Howley, the council's Insurance Officer.

The policy is linked to the original remit of a community council but can be extended to suit new activities as and when required. However, any instruction to alter the policy must come direct from the community council as the insured party. WLC cannot instruct changes to policies.

- Role of Elected Councillors at Community Councils

Appended to this document is a copy of the note prepared by the Standards Commission for Scotland on councillor's role when attending community council meetings which was previously circulated.

## MY ROLE IN ATTENDING A COMMUNITY COUNCIL

While I am here to listen to your views and assist you, I also have a duty to act in the interests of the Council as a whole and to represent it. I must act in accordance with the Councillors' Code of Conduct at all times. As such:

### I CAN:

- Help the community council make the community's views known.
- Give the community council advice on the correct procedure to follow and who to contact at the council.
- Raise concerns the community council may have about a council service / decision.
- Seek information on the community council's behalf in respect of the progress of an application.
- Make representations on the community council's behalf. In doing so, however, I may then give up my right to be a decision-maker on the matter.

### I CAN'T:

- Overturn a Council decision (e.g. on a planning matter).
- Express a view or advocate for / against a cause if I want to take part in the decision-making process (if it is a regulatory or quasi-judicial matter e.g. licensing or planning).
- Seek legal advice from the Council on the community council's behalf.
- Pass on any legal advice provided to the Council.
- Guarantee all information discussed at a community council meeting will be kept confidential.
- Become inappropriately involved in the Council's operational matters.

The Councillors' Code can be found at [www.standardscommissionscotland.org.uk/codes-of-conduct](http://www.standardscommissionscotland.org.uk/codes-of-conduct).