



Scheme for the establishment of Community Councils

Local Government (Scotland) Act 1973 & 1994

As approved by the Secretary of State for Scotland on 26 April 1976 and subsequently amended 2004, 2008 and 2012, after due public consultation.

June 2021 Edition

1. INTRODUCTION

In accordance with Section 22 of the Local Government (Scotland) Act 1994, East Lothian Council has amended the 2012 Scheme for the establishment of Community Councils within the East Lothian Council area.

2. PURPOSE

In addition to any other purpose which a Community Council may pursue, the general purpose of a Community Council shall be to ascertain, co-ordinate and express to East Lothian Council, and to other 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.

The purpose of Community Councils is also to represent a full cross section of the community and it is important that they do not favour any particular sections of the community. Community Councils should not be party-political or sectarian. They should be inclusive, should eliminate all forms of discrimination and promote equality of opportunity and good relations between persons of different ethnic and religious groups.

3. CONDUCT OF BUSINESS

The Chair and other office bearers of a Community Council shall be elected annually and this shall be the first business transacted at the Annual General Meeting of the Community Council.

Subject to the requirements of this Scheme as prepared by East Lothian Council, each Community Council formed under this Scheme, shall arrange its own business and proceedings in such manner as the Community Council may determine but all Community Council business shall be conducted in public and/or online where any community member can access discussions or documents during or after the meeting. (see 13)

A Community Council is required to ensure that the views of the community take precedence over the personal views of individual members. In the interests of impartiality, the Community Council should be advised of any personal interest by a Community Councillor (e.g. membership of any group which may benefit from financial aid from the Community Council), who then may not take part in any decision making.

Notices of Meetings, agendas and minutes should be posted in public places, noticeboards, online and contact information to communicate with Community Councillors provided. For the avoidance of doubt this may be a generic email such as officebearer@CCname.org

All East Lothian Community Councils should nominate a primary and secondary representative to act as a liaison for participation in the Association of East Lothian Community Councils. This forum is encouraged in the interests of establishing good practice, exchanging experiences and

discussing common issues. It is recommended that primary communication between representatives will be via an email mailing list with formal meetings to be held at a time and date agreed by the representatives of all East Lothian Community Councils.

4. DIVISION OF EAST LoTHIAN INTO COMMUNITY COUNCIL AREAS

East Lothian shall be divided into twenty areas for Community Councils as detailed in paragraph 9 hereunder and the map annexed to the principal copy and each Community Council area shall have one Community Council.

5. DIVISION OF COMMUNITY COUNCIL AREAS INTO COMMUNITY WARDS

Community Council areas may be sub-divided into community wards for representation on Community Councils and for the purpose of election of Community Councillors and there shall be separate elections for each community ward within the Community Council area.

6. ELECTIONS

Community Councillors shall be elected by secret ballot elections organised by East Lothian Council under such procedure as may be agreed by East Lothian Council from time to time. East Lothian Council reserves the right to decide whether ballot elections shall be conducted by ballot box, postal vote or electronic vote. The Returning Officer for any Community Council election shall be the Chief Executive of East Lothian Council. Community Council elections shall not be held simultaneously with East Lothian Council elections.

7. QUALIFICATIONS OF CANDIDATES FOR ELECTION

Candidates for election as Community Councillors, who must be aged 16 or over, shall reside, work, own/lease property or be registered as a local government elector, for the whole of the previous twelve months preceding the date of nomination, within the Community Council area for which they are candidates. Nomination papers must be signed by the candidate and a witness to the candidate's signature.

Elected Members of the local authority, Scottish, UK and European Parliaments are entitled to attend Community Council meetings and receive agendas and minutes. They are not entitled to become members of Community Councils or to vote at meetings.

Where the procedures at ordinary election, or for the filling of a casual vacancy, have been duly exercised and have failed to secure the appointment of candidates, then appointment of candidates from other wards of the Community Council Area shall, at East Lothian Council's discretion, be allowed to be made with full voting rights, for the period until the next ordinary elections of Community Councils.

8. QUALIFICATIONS OF ELECTORS

Only such persons 16 years of age or over, as are included in the section of the register of local government electors applicable to the community ward for that Community Council area, shall be entitled to vote in the election of the Community Councillor or Councillors for that community ward.

9 AREAS, COMMUNITY AREAS AND NUMBER OF COUNCILLORS

The areas of Community Councils within East Lothian, the community wards within such Community Council areas and the number of elected Councillors for each Community Council and representing each community ward, shall be as set out in the table in the Schedule hereto and as shown delineated on the relevant map annexed as relative to the principal copy of this Scheme, which shall be definitive as to boundaries of Community Councils and community areas. Any dispute as to boundaries of Community Councils or community wards shall be referred to East Lothian Council whose decision shall be final. Community Council numbers and community ward numbers listed in the Schedule relate to numbers shown on the map annexed to the principal copy.

NOTE: The annexed map referred to in the Scheme can be examined on the Council's website https://www.eastlothian.gov.uk/downloads/download/12747/community_council at John Muir House, Haddington, at East Lothian Council area offices, community centres or libraries.

10. TERM OF OFFICE

Elections shall take place every fourth year, such duration concurring with that of Local Authorities. Community Council elections may be held on different days in different areas. The term of office of Community Councillors shall be a period of four years and they shall retire together at the end of such term, on the day of the ordinary election of Community Councillors for that area. In exceptional circumstances elections may be postponed in consultation with the Chief Executive of East Lothian Council.

11 CASUAL VACANCIES

Casual vacancies occurring in a Community Council between ordinary elections, shall be filled by appointment by the Community Council after a period of 21 days, during which such vacancies have been advertised by the Community Council within their area. A person appointed to fill a casual vacancy in a Community Council must be 16 years of age or over at the time of appointment shall reside, work, own/lease property or be registered as a local government elector, for the whole of the previous twelve months preceding the date of nomination, within the Community Council area for which they are candidates. Elected Members of the local authority, Scottish, UK and European Parliaments are not entitled to become members of Community Councils.

A casual vacancy shall be deemed to include and shall be declared when:

- (i) An elected Community Councillor ceases to reside within the Community Council area for which he had been elected, or
- (ii) An elected Community Councillor fails to attend any meetings of the Community Council for a period of three consecutive meetings without good reason, or
- (iii) An elected Community Councillor resigns from the Community Council.

Election procedures for casual vacancies are flexible and left to the discretion of the individual Community Councils, but must be incorporated within individual Community Council constitutions.

12. CO-OPTED MEMBERS

A Community Council may at any time co-opt any person or persons residing, working or having an interest in the Community Council area, to serve on the Community Council or any Committee or other body formed by the Community Council, on which the Community Council is entitled to be represented. Elected Members of the local authority, Scottish, UK and European Parliaments are not entitled to be co-opted members of Community Councils. There is no limit to the number of persons co-opted. There is also no age limit on persons co-opted by the Community Council and it is strongly recommended that this facility be used to involve young people. It must, however, be noted that co-opted members shall have no voting powers at meetings of the full Community Council and may be co-opted either for a specific purpose or for a specific period, provided that all co-opted members shall retire along with elected Community Councillors at the end of the term of office.

13. MEETINGS

Community Councils shall hold at least one meeting every three months and all meetings of the Community Council shall be called and held in public. However, a Community Council may resolve that an item be considered in private because of its confidential nature. Any Minute of the discussion will disclose any decision or recommendation, when appropriate, without disclosing any confidential information and shall be reported back to a public meeting of the Community Council.

Sub-committees to deal with specific items may also be formed, but again, any decision or recommendation shall be reported back to a public meeting of the Community Council.

Meetings may be held on an online platform where circumstances require; online meetings must also be minuted.

In the event of disruptive behaviour during a meeting, where the Chair is unable to continue, the meeting may be adjourned to deal with the

individual(s), which may include removing them from the meeting.

14. FIRST MEETING

The first meeting of a newly elected Community Council must take place within 28 days of results of the election being announced. At such first meeting, an appropriate person should be appointed to call the roll and preside over the election of office bearers as per the constitution of the relevant Community Council.

15. CONSTITUTION

The Community Council will draft a constitution which, within the terms of this Scheme, will govern the conduct of its business and proceedings. The constitution will be valid only after its adoption at a public meeting convened by the Community Council for this purpose and subsequent ratification by council officers.

In the event that a Community Council's constitution is in contradiction to the terms of this Scheme, this Scheme shall take precedence.

16. MEETING PLACES

Community Councils shall hold public meetings; in exceptional circumstances meetings can be held virtually. Community Councils may use and East Lothian Council shall make available, East Lothian Council premises for the purpose of Community Council Meetings. Where East Lothian Council premises are unavailable for a particular meeting then the Community Council may hire a suitable venue for that meeting.

17. FINANCIAL ASSISTANCE TO COMMUNITY COUNCILS

(a) Administrative Expenses

Community Councils will arrange and organise their own services. Basic office services, however, shall be available, wherever possible and on such terms as East Lothian Council may decide, within the nearest Council office, if the Community Council so requires. No allowances shall be payable to Community Councillors by East Lothian Council.

Community Councillors/ Secretaries should submit to their Community Council, any claims for reimbursement of expenses, with receipts where possible. This should NOT be included in any honoraria/payment for secretarial services.

Honoraria may be paid to office bearers/for secretarial services at a level agreed with guidance from East Lothian Council.

(b) Financial Contribution

East Lothian Council will contribute annually to the administrative expenses of each Community Council, a fixed sum plus a grant per head of the estimated electorate of the Community Council area.

These sums will be reviewed annually by East Lothian Council.

(c) Accommodation Costs

East Lothian Council will meet the full accommodation costs of Community Councils who have to hire premises for their meetings.

(d) Assistance with specific Local Projects

Individual Community Councils, in partnership with East Lothian Council, shall implement a framework of financial assistance designed to provide Community Council areas with the opportunity to determine local community improvement projects.

18. ACCOUNTS and AUDIT

Every Community Council shall keep proper accounts of all funds handled by it and such accounts shall be made up annually and shall be checked and signed off by an independent qualified accountant, before being submitted to East Lothian Council to be audited by the Head of Finance or their nominee, or by an independent auditor appointed by East Lothian Council.

19. DISSOLUTION

In the event of a Community Council being dissolved, East Lothian Council shall take custody of any papers, minutes and other assets, together with all funds, until a new Community Council is set up for that area, whereby all of the foregoing shall be delivered to the safekeeping of the new Community Council.

20. LIAISON and INFORMATION

East Lothian Council

As a basis for keeping each other informed on matters of mutual interest within their control, East Lothian Council shall supply, or otherwise make available, all public agendas and Minutes of East Lothian Council and Committees to each Community Council and each Community Council shall supply notices of their meetings and Minutes, or other records of their proceedings to East Lothian Council. The Chief Executive shall be responsible for continuing and developing contact with Community Councils.

East Lothian Council -

(i) shall seek the views of a community through the local Community Council

on matters of significant local interest, including matters arising under the Town and Country Planning (Scotland) Acts and the Licensing (Scotland) Act affecting that community and for these purposes East Lothian Council shall provide appropriate information and reports to enable a Community Council to ascertain the views of the community which it represents.

(ii) may hold joint meetings between representatives of East Lothian Council and Community Councils to discuss matters of mutual interest.

(iii) may request a Community Council to carry out functions or duties on behalf of East Lothian Council on such terms as might be agreed.

(iv) is committed to supplying Community Councils with the support and training necessary to carry out their duties effectively.

A Community Council will have in place, and East Lothian Council may give advice upon, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sectors of the community.

21. REVIEW

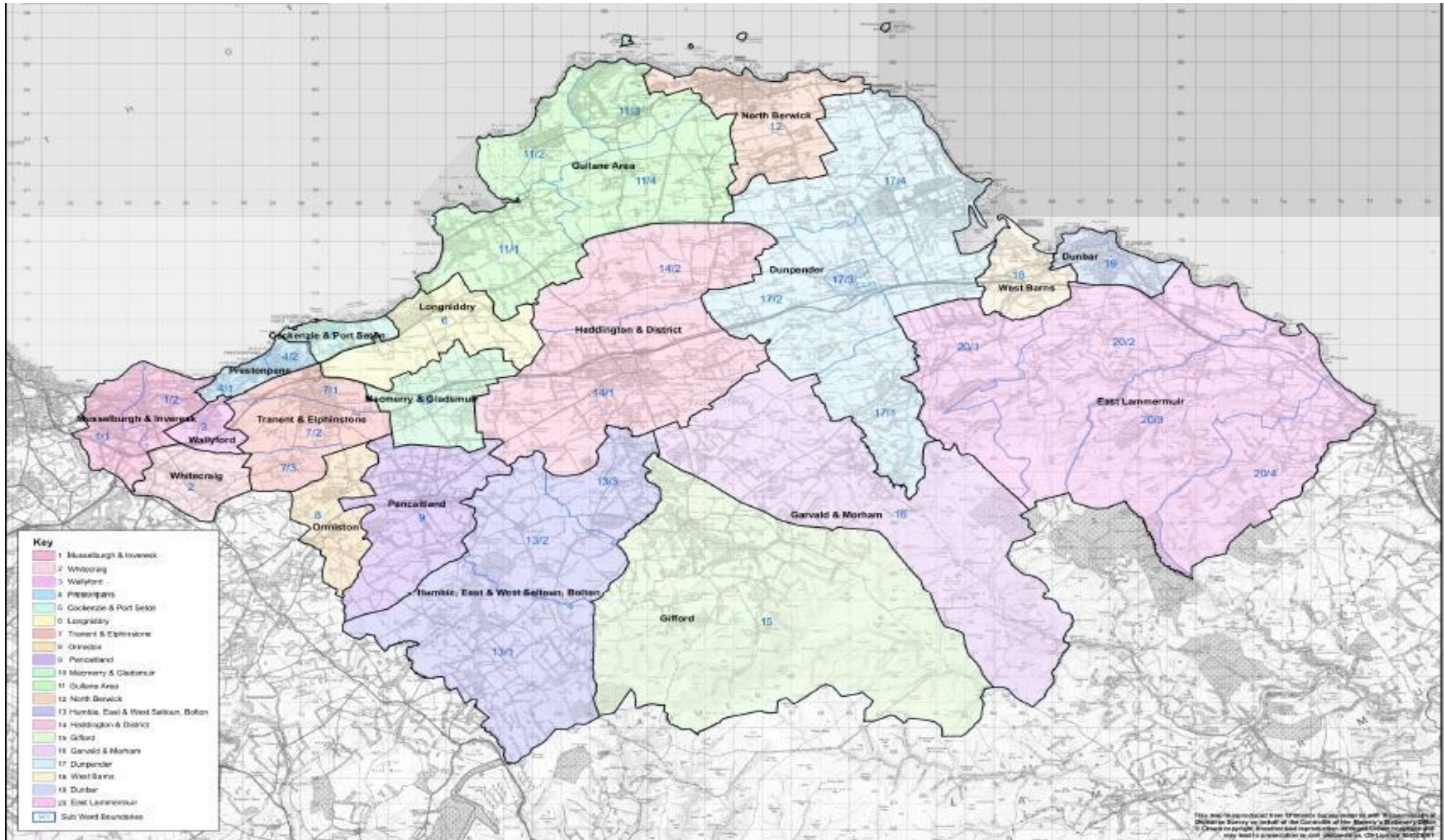
This Scheme shall be reviewed from time to time by East Lothian Council and may be amended by them after public consultation, in terms of Section 53 of the Local Government (Scotland) Act 1973, Section 25 and Schedule 2 of the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 and Section 22 of the Local Government (Scotland) Act 1994.

EAST LoTHIAN COUNCIL

Scheme for Community Councils

ANNEX

1. Map of East Lothian showing Community Council area boundaries and the boundaries of wards within areas.



This map is reproduced from the 2016 Electoral Review in accordance with the provisions of the Electoral Review (Scotland) Act 2016. It is the property of the Council and is not to be used for any other purpose without the written permission of the Council. The Council is not responsible for any errors or omissions in this map.

EAST LOTHIAN COMMUNITY COUNCILS

Table of Community Councils, Community Wards and Number of elected Community Councillors

Area No.	Community Council	Councillors per Community Ward	
1	Musselburgh and Inveresk	1/1	9
		1/2	8
		Total	17
2	Whitecraig	2	7
		Total	7
3	Wallyford	3	6
		Total	6
4	Prestonpans	4/1	10
		4/2	10
		Total	20
5	Cockenzie and Port Seton	5	10
		Total	10
6	Longniddry	6	9
		Total	9
7	Tranent and Elphinstone	7/1	3
		7/2	6
		7/3	2
		Total	11
8	Ormiston	8	10
		Total	10
9	Pencaitland	9	15
		Total	15
10	Macmerry and Gladsmuir	10	9
		Total	9
11	Gullane Area	11/1	4
		11/2	6
		11/3	2
		11/4	1
		Total	13
12	North Berwick	12	12
		Total	12

13	Humbie, East & West Saltoun and Bolton		
		13/1	3
		13/2	3
		13/3	<u>2</u>
		Total	8
14	Haddington and District		
		14/1	14
		14/2	<u>2</u>
		Total	16
15	Gifford		
		15	9
		Total	9
16	Garvald and Morham		
		16	6
		Total	6
17	Dunpender		
		17/1	1
		17/2	2
		17/3	6
		17/4	<u>3</u>
		Total	12
18	West Barns		
		18	7
		Total	7
19	Dunbar		
		19	12
		Total	12
20	East Lammermuir (Oldhamstocks, Innerwick, Spott and Stenton)		
		20/1	2
		20/2	2
		20/3	2
		20/4	<u>2</u>
		Total	8

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EAST LoTHIAN COUNCIL

COMMUNITY COUNCILS

RULES for ELECTION

(as adopted by the Council at their meeting on 29 April 1976 and subsequently amended 2004)

- 1.** In accordance with the Scheme for Community Councils made by the District Council and approved by the Secretary of State for Scotland in terms of the Local Government (Scotland) Act 1973 Part IV and subsequently amended in terms of the Local Government (Scotland) Act 1994, Community Councils shall be elected by secret ballot elections organised by East Lothian Council under such procedure as may be agreed by East Lothian Council from time to time.
- 2.** East Lothian Council reserve the right to decide whether such secret ballot elections shall be conducted by ballot box, by postal or electronic vote.
- 3.** Elections of Community Councils shall be conducted in accordance with the principles and procedures of the Scottish Local Elections Rules 1974, adjusted and amended as appropriate in accordance with these Rules made by East Lothian Council.
- 4.** The Returning Officer for Community Council Elections shall be the Chief Executive of East Lothian Council.
- 5.** Any question of interpretation of the Scottish Local Elections Rules 1974, as amended by these Rules shall be referred to the Returning Officer whose decision shall be final.
- 6.** No polling cards shall be issued or required in Community Council Elections.
- 7.** Candidates shall not have and shall not require to have an official election polling, counting or other agent.
- 8.** Candidates are not expected to incur other than nominal expenses in connection with elections. No expenses of candidates shall be refundable by East Lothian Council.
- 9.** Tendered ballot paper procedure shall not be incorporated in Community Council election procedure.
- 10.** It is confirmed that the provisions regarding the death of a candidate before the declaration in a contested election shall result in the abandonment of the poll.
- 11.** Candidates for election as Community Councillors, who must be aged 16 or over, shall reside, work, own/lease property or be registered as a local government elector, for the whole of the previous twelve months preceding

the date of nomination, within the Community Council area for which they are candidates. Nomination papers must be signed by the candidate and a witness to the candidate's signature.

- 12.** Candidates may provide a description not exceeding 5 words in addition to name and address for inclusion in the ballot paper.
- 13.** A candidate may nominate themselves.
- 14.** Where the number of candidates for election is less than half the number of Community Councillors provided for in this Scheme, there will be no election (contested or uncontested) and no Community Council shall be formed.
- 15.** The number of Community Councillors for each ward is provided in this Scheme; during an election voters may vote and mark their ballot paper only up to this number otherwise their vote will be regarded as void.
- 16.** The date, place and format of the poll shall be as arranged from time to time by the Returning Officer.
- 17.** The hours of poll shall be between 8 a.m. and 8 p.m., unless it is a postal or electronic ballot.
- 18.** It is confirmed that the Returning Officer for Community Council Elections is authorised to appoint and pay Presiding Officers, Clerks, Enumerators or equivalent officials for the conduct of elections.
- 19.** In addition to the general duty of the Returning Officer to do any act or thing which may be necessary for effectively conducting elections under these Rules the Returning Officer is further authorised, in the application of the Scottish Local Elections Rules 1974 hereto, to make any amendments or adjustments as may be appropriate or required according to local circumstances or as may be appropriate in the context of Community Council Elections.
- 20.** The Returning Officer shall make arrangements for counting the votes as soon as practicable after the close of the poll and normally on the following day, not being a Sunday or public holiday.
- 21.** The count for any Community Council election shall be conducted by East Lothian Council at an accessible location as the Returning Officer may decide appropriate.
- 22.** The rejection of any ballot paper shall be decided by the Returning Officer after consultation with the candidates, if present, and the decision of the Returning Officer shall be final.
- 23.** Any other matters arising in connection with Community Council elections shall be referred to the Returning Officer, whose decision shall be final. There shall be no appeal by way of election petition or any other procedure in the context of Community Council elections.