



Scheme for Orkney Community Councils – 2007

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1. Introduction

Community Councils are voluntary bodies which have been granted statutory rights of consultation and although they are not part of local government they can complement the role of the local authority. The Local Government (Scotland) Act 1973 states that “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.” One of the main themes of the Government’s approach was one of promoting closer links between communities and service providers.

In common with all other Scottish Local Authorities, Orkney Islands Council was required to prepare a Scheme of Administration for Community Councils and this was first drawn up in 1975. This Scheme was later amended in 1994 and was again revised in 2007.

Community Councils play an important role in local democracy by representing local views which can influence decisions in planning and local services provision. The Community Councils provide an effective, strong voice within each community area offering sound, local advice on a range of community issues.

Orkney Islands Council consults and depends on information and views from Community Councils which are used in shaping local authority policies. Community Councils are also regularly consulted by other public agencies on a wide range of community related issues.

2. Community Councils

In comparison with many other areas of Scotland, Orkney has a robust Community Council network and strong links exist between the Community Councils and Orkney Islands Council. Orkney Community Councils are allocated generous annual grants from Orkney Islands Council, to be spent at their sole discretion, allowing them to become an active co-ordinator and benefactor in their local community.

Community Councillors should ensure that they work for the best interests of the whole community and remain representative of, and accountable to, the communities that they represent. Although Community Councillors are volunteers, like Councillors and Officials of a local authority, they are also servants of the public.

As such, Community Councils, in keeping with all other bodies entrusted with public funds, must uphold the basic principles of transparency in decision making, accountability and traceability, ensuring that all decisions are taken in the best interests of their community in addition to being compliant with the Scheme for Orkney Community Councils and the Code of Conduct for Community Councillors.

Each Community Council consists of between 7 and 12 members dependent on the size of population being represented. There are 20 Community Councils in Orkney with elections being held, by secret postal ballot, every 4 years, closely following the Local Elections. The electoral return rate is rarely less than 60%.

3. Community Council Liaison Office

The Community Council Liaison Office is located within the Chief Executive's Department of Orkney Islands Council and its main role is to act as a two-way communication link between the Community Councils and Orkney Islands Council. The Liaison Office retains Clerks to provide administrative services to each Community Council in all 20 areas.

Community Council Liaison Office staff attend Community Council meetings, providing advice and assistance to Community Councils and process all correspondence between Council departments and the Community Councils. Assistance and support is also provided with projects organised by Community Councils and suggestions are offered on how to solve issues at a local level.

The distribution of annual grants to Community Councils, processing of all Community Council expenditure, checking of Community Council minutes before release to the press and public and the administration of the Community Council Grant Scheme and other schemes as approved by the Council are also undertaken by the Liaison Office.

The Orkney Community Councils website was launched in June 2005. This was designed and is maintained by the Liaison Office. In addition, staff co-ordinate and administer all functions associated with Community Council Elections.

1.0. General Introduction

1.1. In terms of Sections 52 and 53 of the Local Government (Scotland) Act 1973 and the Scheme for Orkney Community Councils 1975, Orkney Islands Council prepared an Amended Scheme for Orkney Community Councils - 1994 and subsequently has prepared the "Scheme for Orkney Community Councils - 2007".

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 is effective from the Local Government elections in 2007, it has been necessary to amend the Scheme for Community Councils 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.

1.5. A list of the current Community Councils is contained in Appendix 1.

2.0. Number of Community Councillors

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:

A. the maximum number of Community Councillors on each Community Council being limited to twelve; and

B. the number of Community Councillors elected for each area will remain in force until the next Community Council election.

3.0. Community Council Elections

3.1. 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.

3.2. 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(ies) for Community Councillors.

3.3. 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.

3.4. 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.

4.0. 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 Scottish Local Elections Rules 1974 modified as appropriate and the Returning Officer for all elections will be the person appointed in that capacity by Orkney Islands Council.

4.2. Each candidate is required to complete a nomination form, duly signed by one witness. Both the names of 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 Community Council Liaison Office 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 Community Council Liaison Office 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.

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 as contained in Appendix II.

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

5.0. 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 the Clerk to the Community Council or an Islands Council official appointed by the Chief Executive if the Clerk is unable for any reason to call the meeting.

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.

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 a Clerk to the Community Council, 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 publicly displayed for seven days prior to the next scheduled Community Council meeting at suitable places within the area served by the Community Council.

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 the Community Council Liaison Officer, 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 the Liaison Office, not less than five clear days before the meeting.

5.10. If a matter raised at a meeting requires action to be taken before the next scheduled meeting, powers can be delegated to members of the community council (normally groups of two or three). It is essential that delegated powers are minuted, otherwise any decisions taken by the delegated group may be rendered invalid.

5.11. If a Community Council establishes a Sub-committee then the conditions described in 5.10. must be applied.

6.0. 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. In the absence of Community Council Liaison Office staff, the Clerk shall open the said 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 the Chair.

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 of 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.

7.0. Conduct of Meetings

Following each Community Council election, each Community Council shall adopt a Constitution based on the model Constitution as detailed in Appendix 3.

8.0 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 the Community Council Liaison Office, 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 to convene all meetings of the Community Council, to take minutes, complete a financial statement and to undertake correspondence or any other appropriate duties on behalf of the Community Council. The Clerk must also submit minutes and a business letter to Orkney Islands Council 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 a nominated official who will act as Liaison Officer to the 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 any Department of Orkney Islands Council should be submitted to the Community Council Liaison Office.

9.0. 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 of:

A. a lump sum grant;

B. an additional grant in the case of Community Councils covering dual parishes or more than one island; and

C. a grant per elector registered on the current Electoral Register for the entire Community Council area.

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 Stromness, will assist Orkney Islands Council with administration of the maintenance of burial grounds within the respective Community Council areas.

9.3. Orkney Islands Council will pay the Clerk's salary and the cost of hiring meeting rooms 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 IV hereof, 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 acquire public liability insurance the cost of which is eligible under Community Council Grant Scheme.

10.0. Financial Regulations

10.1. All ordering and certification procedures required by Orkney Islands Council must be observed before invoices are forwarded to the Community Council Liaison Office 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 the 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.

11.0. Property

The 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.

12.0. Breach

Any breach of the 'Scheme of Orkney Community Councils – 2007' may be reported to Orkney Islands Council to determine what action, if necessary, should be taken.

Appendix 1

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.	12 Members.
North Ronaldsay.	7 Members.
Orphir.	7 Members.
Papa Westray.	7 Members.
Rousay, Egilsay and Wyre.	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



Orkney Islands Council

Code of Conduct for Community Councillors

Introduction

This Code should guide the conduct of Community Councillors.

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

This code is based on the statutory National Code of Local Government Conduct for local authority Councillors and on the Third Report of the Nolan Committee on Standards in Public Life.

Failure to comply with this code may result in your being suspended or banned from serving as a Community Councillor, by action of your Community Council or of Orkney Islands Council.

1. Role of Community Council Liaison Officer in Respect of Code of Conduct

The Liaison Officer is a member of staff in the Chief Executive's Department. 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 the Code of Practice and ensuring that consultation mechanisms are operational. In addition, he/she will have a monitoring role in relation to Community Council functions to ensure they are adhering to the Constitutions, financial regulations and the Orkney Community Council Scheme.

2. Community Council Representation

Any 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.

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.

3. Public Duty and Private Interest

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

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.

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.

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

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

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.

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.

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.

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.

4. Gifts and Hospitality

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.

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.

5. Dealings With The Orkney Islands Council

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.

6. Use of Expenses, Allowances and Facilities

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.

7. Appointments to Other Bodies

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.

8. Breach

Any breach of the Scheme of Community Councils 2007 may be reported to Orkney Islands Council to determine what action, if necessary, should be taken.

Conclusion

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 the Community Council Liaison Office.

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

..... Community Council

- 1.** The Community Council shall be known as the
Community Council.
- 2.** The Community Council will abide by the terms and conditions defined in the Scheme of Orkney Community Councils - 2007.
- 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 the Clerk, 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. If, for any reason, the Clerk is unable to call a meeting, an authorised Islands Council official may call the meeting.
- 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 the Community Council Liaison Officer. 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 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.

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 - 2007 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. In the absence of Community Council Liaison Office staff, the Clerk shall open the said 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 14 and 15 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 Clerk to the Community Council, 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 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(ies) of Community Councillors.
- 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.
- 26.** 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.
- 27.** Community Councillors who have not attended any meetings of the Community Council for a period of one year without giving a satisfactory explanation shall be deemed to have resigned. The vacancy shall be filled according to the procedures for a casual vacancy.

- 28.** 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.
- 29.** 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.
- 30.** All agendas and minutes of the Community Council shall be submitted to Orkney Islands Council.
- 31.** Orkney Islands Council shall appoint/retain a Clerk who shall not be a member of the Community Council.
- 32.** All correspondence between Community Councils and any Departments of Orkney Islands Council should be carried out via the Community Council Liaison Office.
- 33.** If a matter raised at a meeting requires action to be taken before the next scheduled meeting, powers can be delegated to members of the Community Council (normally groups of two or three). It is essential that delegated powers are minuted, otherwise any decisions taken by the delegated group may be rendered invalid.
- 34.** If a Community Council establishes a Sub-committee then the conditions described in paragraph 32 must be applied.
- 35.** Orkney Islands Council shall allocate a sum annually which may be expended at the discretion of the Community Council.
- 36.** Periodic statements of receipts and payments will be provided by Orkney Islands Council for the information of the Community Council.
- 37.** 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.
- 38.** 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.
- 39.** Tendering procedures of Orkney Islands Council must be adhered to when administering projects.
- 40.** All ordering and certification procedures required by Orkney Islands Council must be observed before invoices are forwarded via the Community Council Liaison Office for payment.
- 41.** Public liability insurance must be obtained by the Community Council.

42. 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 Liaison Office, not less than five clear days before the meeting.

43.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.

44. Any breach of the Scheme of Orkney Community Councils - 2007 may be reported to Orkney Islands Council to determine what action, if necessary, should be taken.

Appendix 4



Orkney Islands Council

Community Council Grant Scheme (CCGS)

Terms and Conditions 2007

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 the Community Council Liaison Office. 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.

CCGS assistance being claimed for disposal of scrap cars will only be paid in accordance with the Scrap Car Scheme (March 2007).

Community Council Grant Scheme

List of Approved Categories

Approved Categories for 60% Grant Assistance

- A.1.** Cost of maintenance of and equipment for Kirkyard caretaking.
- A.2.** Cost of reinstating fallen and insecure gravestones and improvements to burial grounds such as levelling and reseeding.
- A.3.** Cost of providing facilities and equipment for community wings of community schools.
- A.4.** Cost of providing high visibility clothing for school children.
- A.5.** Cost of providing transport for school children who do not qualify for local authority school transport.
- A.6.** 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.
- A.7.** Cost of providing play equipment for Council approved play areas.
- A.8.** Transport costs and/or training fees within Orkney associated with recreational and educational groups based in an Orkney area.
- A.9.** Transport costs and/or training fees within Orkney associated with recreational and educational groups, based in an Orkney area, outwith Mainland Orkney.
- A.10.** 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.
- A.11.** Cost of meals and travel for Senior Citizens, including costs in connection with the provision of mini buses for that purpose.
- A.12.** Cost of operating schemes to promote waste disposal.
- A.13.** Cost of providing benches and tables in public areas.
- A.14.** Cost of providing training and equipment for Community Council Clerks.
- A.15.** Cost of producing audio or visual material which promotes tourism or preserves heritage.
- A.16.** Cost of cutting grass in amenity areas not maintained by OIC.

A.17. Cost of providing hospitality, with the exception of alcoholic beverages, for the North Isles Sports event.

A.18. Cost of providing fireworks displays.

A.19. Cost of maintenance or improvement to the Papa Westray Private Water Scheme.

A.20. Costs in connection with museums under Community Council control and other similar facilities.

A.21. Cost of vermin eradication programmes.

A.22. Costs in connection with the provision of funerary and burial services in island areas.

A.23. Capital expenditure in connection with the maintenance and upgrading of buildings and equipment for businesses in community ownership, including community co-operatives.

A.24. Assistance with administrative and organisational costs incurred by development groups.

A.25. Assistance with the cost of providing or improving local amenities or projects providing community benefit.

A.26. Assistance with the cost of producing local newsletters.

A.27. Cost of repairs and maintenance to war memorials and their immediate curtilage.

A.28. Costs relating to weighbridge replacement or maintenance.

A.29. Cost of public liability insurance for Community Councils.

Approved Categories for 75% Grant Assistance

B.1. 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

C.1. 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.

C.2. 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

D.1. Cost of improvements to private roads, including peat roads.



Community Council - Scrap Car Scheme

March 2007

- 1.** Members must decide a total amount that they wish to spend on the disposal of scrap cars from the Island (e.g. £1,000). The Clerk should then submit a CCGS application form for that total amount to the Liaison Office.
- 2.** The Clerk should display posters locally advertising that the Community Council is operating a scrap car scheme and anyone who wishes to apply for the disposal of scrap car(s) should contact the Clerk for an application form.
- 3.** The applicant must obtain a form from the relevant Clerk and should complete the details and arrange for a haulier to collect the car and deliver it to the Scrap Yard. The applicant must pay the haulier and evidence of this will be required by the Clerk. The haulier must get one of the staff in Scrap Yard to sign the form which should then be returned to the appropriate Clerk.
- 4.** The Clerk will submit the form, along with evidence of payment to the haulier, to the Community Council Liaison Office, making sure that the details are all clear and correct. The Liaison Office will then pay the person detailed on the form (usually the car owner) the relevant amount for each car detailed thereon.
- 5.** This process will continue until the total amount approved (e.g. £1,000) is reached. The cost to the Community Council is 20% of the total claimed project cost.
- 6.** The Scrap Car Scheme is subject to amendment at any time in accordance with the Community Council Grant Scheme Terms and Conditions.
- 7.** Where no ro-ro ferry service exists to an island the relevant Community Council may adapt the Scrap Car Scheme, with prior approval from the Community Council Liaison Office, to suit the individual circumstances of that particular island.