

# Scheme for the Establishment of Community Councils

2004 Edition



**CC**ommunity  
councils

# Scheme for the establishment of Community Councils

The following is the Scheme for the establishment of Community Councils as adopted by Glasgow City Council on 26th June 1997 and amended in May 2003 and February 2004.

This Scheme describes how community councils in Glasgow are formed, the conditions under which they operate, and the minimum standards to be met for recognition as a community council.

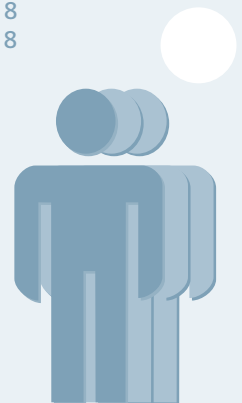
This Scheme should be read in conjunction with the document "Operational Guidelines for Community Councils" which gives more detailed operating instructions, and is provided to assist community councils with the interpretation of the Scheme.



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## Introduction

Community councils are voluntary bodies which exist within a statutory framework and which have been granted statutory rights of consultation. The general purpose of a community council is to ascertain, co-ordinate and express the wider views of the entire community within its agreed boundaries. They can complement the role of the local authority but are not part of local government.

Recognised community councils unlike other community organisations, are included in the consultation process for all planning applications.

They have the right to receive copies of applications, and will be recognised as competent bodies to make representations regarding applications.

Community councils are not included in the formal consultation process for liquor licence applications, but are recognised as competent bodies to make comments on them, and they may also be consulted on general licensing matters. Community councils may also undertake other functions within the terms of their own constitution. It is the responsibility of a community council to satisfy the City Council, that they have taken positive steps to ascertain the views of the wider community within their area, before making representations on any matter, on behalf of the community.

To assist community councils, their members, and prospective members, overleaf is a summary of the general rights and responsibilities of community councils, and obligations of the City Council. More detailed explanation of these are contained within the Scheme, and the *“Operational Guidelines for Community Councils”*.

### **A community council which conforms fully to the Scheme has rights :**

- to be consulted, and to make representations about planning applications;
- to be recognised as a competent body to comment on licensing applications;
- to seek information and assistance from the Community Councils' Resource Centre;
- to have access to copies of minutes and reports of City Council committees except those specifically excluded from the public domain;
- to receive an annual administration grant;
- to be recognised as an appropriate body to apply for other City Council funding;
- to be consulted on the scheme for decentralisation of the City Council's administration.

## **A community council's responsibilities include :**

- to conform to the requirements of this Scheme and any other related documents;
- to be fully representative of the entire community within their area;
- to conduct a minimum number of meetings each year;
- to produce and distribute minutes of every meeting of the community council;
- to annually prepare and publish an audited financial statement and inventory;
- to hold elections for membership to the community council;
- to advertise throughout it's area, in advance, all of it's meetings;
- to consult with the community on issues of significant public interest, and demonstrate these processes to the City Council;
- to conduct all meetings and business in accordance with the "Operational Guidelines for Community Councils" produced by Glasgow City Council;
- to adopt and practice an equal opportunities policy;
- to ensure that every member conforms to their responsibilities as laid down in the community council's constitution;
- to immediately advise the City Council when its current membership falls below two thirds of its voting membership.

## **The City Council's obligations**

- to prepare, publish and review the Scheme as necessary, after due consultation with community councils and the public;
- to arrange initial elections for new community councils;
- to provide such financial and administrative assistance as is possible, subject to the various constraints placed on the City Council;
- to consult with community councils, eg on planning applications;
- to provide publicity for common election dates.

# Formation of Community Councils

## 1 Areas

The community council areas approved by Glasgow City Council are shown on the map in Appendix 1. Included in Appendix 1 is a list which names the areas, gives a map reference, and the population. (Under amendment, to be confirmed.)

A more detailed map showing the boundaries of all the individual community council areas and sub-areas, may be inspected at the Community Councils' Resource Centre.

## 2 New Community Councils

### (a) Where no Community Council exists

A new community council may be formed in an approved area on the application of twenty electors in accordance with section 52(7) of the Local Government (Scotland) Act 1973. In the first instance the twenty electors will form a Steering Committee whose task will be to prepare a draft constitution which will govern the affairs of the proposed community council.

The steering committee shall draw up a constitution for the proposed community council which it shall then present to a public meeting for approval. The draft constitution shall then be submitted to the City Council. Once approved the City Council will proceed with initial elections in the manner prescribed in the Operational Guidelines for Community Councils.

Such constitution shall make provision for the matters detailed in the Operational Guidelines for Community Councils approved by the City Council, and nothing in the constitution shall conflict with the provisions of the Scheme. No subsequent amendment to any constitution shall take effect until approved by the City Council.

A steering committee recognised by the City Council is eligible to apply for a start-up grant to offset administrative costs.

### (b) Where a Community Council already exists

Where a significant number of representations are made to start a new community council in an area where an existing community council operates, the proposal will be referred initially to the existing community council for comment before the City Council determines whether action should be taken in terms of Section 53 of the Act.

## 3 Composition

A community council shall consist of Elected, and Ex-Officio members. A community council may also, if it wishes, select a local, constituted community group to appoint a Delegated Member to represent that groups corporate

views at community council meetings. The number of the Elected and Delegated Members shall be determined by the community council and recorded in its constitution. The community council's constitution shall also acknowledge the right of membership of those Ex-Officio Members designated by this Scheme.

#### **(a) Elected Members**

To qualify to be nominated and elected to serve on a community council, a person must (i) reside within the community council area or sub-area, (ii) be 16 years of age or over, and (iii) be listed on either the City Council's Electoral Register or any community council supplementary roll prepared for this purpose. These members have full voting rights.

#### **(b) Delegated Members**

The community council may wish to include in its membership, a representative of a local, formally constituted, community group. This member shall also have full voting rights. The total number of Delegated Members must not exceed one third of the voting membership. A Delegated Member need not reside within the community council area.

#### **(c) Ex-Officio Members**

Members of Parliament and Glasgow City Councillors shall, as of right, be members of the community council for any area wholly or partly in the constituency or ward which they represent. They shall have no voting rights, but their views on matters concerning the community council should be actively sought.

#### **(d) Representation**

It is expected that Elected Members shall be residents from across the whole community council area, to ensure widespread representation of all residents. It is therefore recommended, that where the total population exceeds 5,000, then Sub-Areas should be formed, so that equal numbers of Elected Members from each Sub-Area shall comprise the total Elected Membership of the community council.

#### **(e) Number of Members**

It is recommended that newly forming community councils shall have a minimum number of 10 voting members, with additional members being suggested at the rate of 1 member per 1,000 population. It is recommended, for the ease of administration, that the maximum voting membership be 20.

## 4 Methods of Appointment

### (a) Elected Members

Elections shall be held regularly by each community council, and shall be by a method laid down in its constitution.

The initial election of the community council shall be the responsibility of Glasgow City Council. Thereafter it shall be the duty of the City Council to appoint a Returning Officer, who will be responsible for the administration of community council elections.

Where the number of candidates is less or equal to the number of vacancies, then no election shall be held, and those candidates shall be declared to be duly elected on the proposed election date.

Where vacancies remain after an election, the Returning Officer shall immediately inform the City Council who may take such action, as they may deem appropriate.

The conduct of elections will be the responsibility of the Returning Officer as detailed in the relevant operational guideline. In addition, it will be the responsibility of the Returning Officer to notify the results to Glasgow City Council.

### (b) Delegated Members

Where a community council's constitution allows for Delegated Members, then arrangements should be made to ensure that their terms of office commence at the same time as Elected Members.

To select groups who wish to put forward a Delegated Member, the community council shall advertise a list of the local community groups who are to be invited to appoint a Delegated Member. The advertisement must be placed at least twenty-eight days before the date for receipt of nominations. The notice must also indicate that any local, formally constituted community group aggrieved by its exclusion from the list may appeal to the City Council, within fourteen days of the notice.

Where the number of groups exceeds the number of vacancies for Delegated Members, the community council shall invite the nominating groups to present their case at a public meeting. On conclusion of these presentations, all qualified electors in attendance at the meeting will vote to select the community groups to be invited to appoint a delegated member.

Where the number of candidates equals, or is less than the number of vacancies, such candidates shall be declared to be Delegated Members of the community council.

Where vacancies remain after the selection process, the community council shall immediately inform the City Council who may take such action as they may deem appropriate.

## 5 Qualifications

### (a) Electors

All persons who are resident in the community council area, are 16 years of age or over, and whose name appears on the City Council's Electoral Register or community council supplementary roll, shall be entitled to vote in, or nominate candidates for, community council elections.

Any person whose name does not appear on the City Council's Electoral Register, but who can provide satisfactory evidence of age, identity and residence, may apply to the City Council for inclusion on a community council supplementary roll for recognition as an elector for community council purposes.

Where community councils areas are divided into sub-areas as shown in Appendix 1, then only persons who are resident in that area shall be entitled to vote in respect of that sub-area.

### (b) Candidates for Nomination or Election

Only persons entitled to vote in community council elections for an area or sub-area shall be eligible to stand for election to the community council in that area or sub-area.

Members of Parliament and members of Glasgow City Council shall not be eligible to stand for nomination or election to a community council within the Glasgow City Council area.

### (c) Members

An individual can act in only one capacity, as either an Elected Member or as a Delegated Member. Members must therefore resign one membership before taking up their new membership.

## 6 Terms of Office

### (a) Elected Members

Each community council will hold elections every two years.

Community councils shall hold elections in October, when publicity will be provided by the City Council.

Members appointed at elections shall hold office for the period specified in the constitution, or until the next regular election. They shall be eligible for re-election.

Where an Elected Member resigns, the resigning member shall not be eligible to stand for re-election to the same community council for a minimum period of 12 months.

## **(b) Delegated Members**

The list of organisations approved to appoint a Delegated Member shall be reviewed regularly by the community council. The review period shall be no longer than three years, and shall be by undertaking the necessary actions as per paragraph 4(b).

Delegated Membership of an individual is dependent on them remaining a member of that organisation, and is subject to annual re-appointment by the organisation.

In the event that an individual is unable to continue their Delegated Membership, then the group may immediately appoint a new delegate who will serve the remainder of the current term of office.

In the case where such a group ceases to exist, then that Delegated Membership is immediately withdrawn, and the community council shall make arrangements to select another group to fill the vacancy.

## **7 Vacancies**

**(a)** Vacancies occurring in the elected membership of a community council whether by death, resignation, non-attendance at meetings or otherwise in accordance with the constitution of each community council, will be filled by election at a public meeting called for this purpose within 3 months.

**(b)** In the event of the number of vacancies occurring in any community council exceeding one third of the voting membership, the community council shall immediately inform the City Council who may take such action as they deem appropriate.

**(c)** In the event of a vacancy occurring within three months before the date of the next election a community council may leave the vacancy unfilled until that election. If however, the membership should fall below one third of the voting membership, then the City Council will be immediately informed, to allow them to undertake such action as they deem appropriate.

# Operations of Community Councils

## 8 Meetings

### (a) Public Meetings and the Annual Meeting

Each community council shall call at least one public meeting other than the Annual Meeting, at which members of the public have the right to speak, and should be given every reasonable opportunity to be heard. Only members, who are residents of the area and are entitled to vote, may propose or second a motion and then participate in any vote.

The Annual Meeting shall be held in October to (i) approve the annual report; (ii) approve the audited accounts; (iii) note the appointment of auditors; and if necessary, (iv) note the appointment of a returning officer; and (v) conduct, or report on, the election of elected and delegated members.

In the event that (a) the annual report or audited accounts are not approved by the Annual Meeting, or (b) a motion of censure is passed against the community council, or (c) a vote of all qualified persons approves a motion which is contrary to the community council's policies, procedures, and practices, then the community council will convene a meeting within 14 days to consider the disputed matter. Thereafter, the community council will, within a further 14 days, call a special public meeting to allow reconsideration of the disputed matter along with the community council's response. The City Council shall be kept apprised of the progress of these matters, and in the event of an ongoing dispute, shall be requested to take such action as they deem appropriate.

### (b) Special Public Meetings

A special public meeting will be held by the community council on receipt of a written request signed by 20 community council electors of the area once the requirements of this clause are held by the community council to have been satisfied. The petition shall specify the matter and reasons for such a meeting. Once the community council finally expresses itself to be satisfied that the petition is competent, relevant and accurate the meeting will take place within 3 months of validation. The public meeting will then only be held when the community council can be satisfied that all arrangements in connection with the holding of the public meeting are in place such as to satisfy the community councils duty of care and responsibility in the calling and holding of a public meeting.

### (c) Community Council Meetings

Each community council shall in addition meet at least four times per year. These meetings will also be open to members of the public who may speak only with the consent of the chairperson. An agenda for every meeting shall be circulated to all members at least 3 days before the meeting.

### **(d) Advertising of all Meetings**

All advertisements intimating the time and place of community council meetings will be published at least 7 days prior to the meeting taking place. The meetings will be widely advertised so that all the electorate has the opportunity to be informed of the meeting. Three or more public places in the community council's area must be identified, at which notices will always be placed to advertise meetings. These advertising points will be intimated to the public, and notified to the City Council via the Community Councils' Resource Centre.

### **(e) Emergency Meetings**

In cases deemed to be an emergency, a community council meeting may be held after giving less notice. The Chairperson and at least one other member must be satisfied that the business to be discussed is urgent, and must state these reasons at the meeting which should be recorded in the minute. All members of the community council shall be notified of such meetings and a quorum must be present before business can be conducted.

### **(f) Delegation of Authority to Sub-Committees and Advisors**

The community council may wish to form a sub-committee of at least three members to consider specific matters. e.g. to consider planning applications. It is the responsibility of the Community Council to set a clear remit and to specify the limits of delegation and ensure adequate accountability of any sub-committee. The details of the remit and delegated powers should be recorded in the community council minutes. Anyone claiming to represent the views of a community council must be able to demonstrate that they have this authority, and that any sub committee is acting within the limits of its delegation.

The community council may appoint an advisor to give advice on specialist, technical or other matters requiring particular expertise. This advisor may only speak on agenda items relating to these matters, they may not vote, and their attendance may not be counted towards the quorum of the meeting. They should be separately identified in the minute of the meeting.

### **(g) Quorum at Meetings**

Every meeting of the community council shall have the necessary number of members present to form a quorum before the meeting may commence. The quorum for each meeting shall be specified in the community council's constitution, but shall be the greater of, one third of the full voting membership, or five members. If a quorum cannot be achieved within a reasonable timescale, as may be determined by the chairperson, then the meeting must be convened at a later date after giving reasonable notice.

### **(h) Minutes of Meetings**

The Secretary shall be responsible for producing a true and accurate record of

the business of every meeting in the form of a minute.

The minute must record:-

- (i) the date, time and place of the meeting
- (ii) the names and status of those members and other persons attending the meeting
- (iii) the names and status of those members unable to attend but who have presented apologies for non-attendance
- (iv) all decisions taken, and actions approved
- (v) the date, time, and place of the next meeting.

The minute must also :-

- (vi) be distributed to all elected, delegated, and ex-officio members at least 7 days before the next meeting
- (vii) after approval by the community council, be sent within three months, to the Chief Executive of the City Council via the Community Councils' Resource Centre
- (viii) be made available for inspection to the public.

## 9 Financial and other assistance

In addition to any fund raising activities which the community councils may wish to pursue, financial assistance will be made available by Glasgow City Council as follows:

### (a) Administration Grants

Each community council shall receive from the City Council an annual administration grant which will take account of the population covered by each council. Payment of the grant will be made in accordance with the procedure determined by the City Council. After the first grant, all subsequent grants will be made subject to the community council continuing to adhere to the terms of this Scheme.

Administration grants shall be for community council administration purposes only, and shall not be expended on any other purpose.

Recognised steering committees and suspended community councils may apply for interim funding for legitimate administrative expenses.

### (b) Other Grants

Community councils with specific needs, are free to apply for grants from the City Council. Payments will be made in accordance with the procedure determined by the City Council.

Other assistance, subject to resources, will be made available on a rechargeable basis, through the City Council's Community Councils' Resource Centre.

## 10 Audit of Accounts

**(a)** Each community council shall appoint annually a suitable independent person to act as auditor and may pay a reasonable fee for their services. The auditor shall not be a member, or close relative of a member, of the appointing community council. The City Council will specify a total income, above which a community council will be required to engage the services of a professionally qualified accountant to undertake the audit.

**(b)** Each community council shall maintain an accurate record of income and expenditure to allow the preparation of an annual abstract of accounts. The record and abstract shall be audited by the appointed auditor and a certified copy of the abstract shall, immediately after its approval by the community council, be transmitted to the City Council via the Community Councils' Resource Centre.

The financial records must also be made available to any officer appointed by the City Council, as and when required.

**(c)** Each community council shall prepare and maintain an inventory of all property, equipment and materials owned by them, and make it available to the auditor at the annual audit.

The inventory must also be made available to any officer appointed by the City Council, as and when required.

## 11 Exchange of Information

The City Council will continue discussions with community councils and public authorities in its area, to promote the exchange of information between these bodies. It is furthermore the City Council's wish to continue the following measures:

**(a)** The Community Council's Resource Centre which will :-

- (i) co-ordinate and distribute information from all sources common to each community council;
- (ii) provide an information service for community councils, answer enquiries or direct the enquirer to the appropriate area;
- (iii) provide a central point for outside organisations to approach when wishing to contact community councils;
- (iv) provide a first point of contact with City Council departments to supply technical and professional information and expertise where necessary;
- (v) provide access to copies of the minutes of the Council and its committees, to all community councils. Copies of relative reports and agendas shall also be supplied on a rechargeable basis, when requested by the community council, unless exempt in terms of current legislation.

The City Council reserves the right to withdraw or extend this facility.

**(b)** Provisions will be drawn up for procedures to be adopted by Council departments when dealing with community councils.

**(c)** The other public authorities will be encouraged to :-

- (i) communicate with community councils wherever practicable before taking decisions affecting their areas with a view to ascertaining the views of the local inhabitants, and
- (ii) make appropriate internal arrangements to achieve this end.

## Obligations

### 12 Review of Community Councils

The City Council undertakes to review the workings of community councils to ensure that they are operating in the most efficient and appropriate manner in accordance with the Scheme. Particular regard will also be paid to boundaries of individual community councils, where the City Council observes significant permanent changes to the population within the City.

### 13 Suspension of a Community Council

Where for any reason it is deemed by the City Council that a community council is not conforming to the Scheme, then the City Council will formally suspend the community council by giving written notice which will have immediate effect. The rights and privileges accorded to a community council, particularly regarding consultation on planning matters, will immediately cease. The community council will revert to the status of a steering committee whose main task will be to consider such matters, and take such action, as is necessary to ensure conformity with the Scheme, for which they will be eligible to apply for assistance from the City Council. On satisfying the City Council that the community council will in the future be able to conform to the Scheme, then re-instatement to full status will be granted. In the event that a steering committee is unable to conform to the Scheme within a period of three months from the date of suspension, then the City Council will formally dissolve the community council.

### 14 Dissolution

Dissolution may occur either on a voluntary basis by resolution of the community council, or by decision of the City Council. In normal circumstances, such a decision by the City Council will only occur after due consultation with, or suitable notice to, the community council. The City Council will advertise the dissolution of a community council by giving appropriate public notice.

Where the City Council has reasonable grounds to believe that a community council has been abandoned, and is no longer operating, then it may immediately dissolve that community council, and intimate this action by public notice.

Where the City Council has reasonable grounds to believe that a community council is significantly diverging from the Scheme, then it may immediately dissolve that community council, and intimate this action by public notice.

In the event of the dissolution of a community council, its property shall transfer to the City Council, who will retain the funds in a suspense account for one year for the use of a successor community council should one be formed.

Community councils will make provision in their constitution for a process of voluntary dissolution.

## **15 Activities of a political nature**

(a) Candidates for election must ensure that they do not engage in activities of a political nature at any time during the election process.

(b) A community council shall be non-party political in all its activities. It shall therefore not be permissible for community councils to engage in activities such as the sponsoring, endorsing or supporting of candidates for parliamentary and local elections. Similarly, political organisations shall not be permitted to appoint a Delegated Member to the Community Council.

## **16 Equal Opportunities**

It shall be the duty of every community council to ensure that its general responsibilities and activities are carried out fully in accordance with current legislation and Glasgow City Council policies and practices.

## **17 Amendment of Scheme**

The City Council, having regard to changing circumstances and to any representations made to it, shall from time to time review this Scheme and, where it considers that the Scheme ought to be amended shall proceed in accordance with the procedure specified in Section 53 of the Local Government (Scotland) Act 1973, as amended by the Local Government (Miscellaneous Provisions)(Scotland) Act 1981.

The City Council will undertake to mediate, in the first instance, in cases of dispute between :-

- (i) community councils
- (ii) community councils and proposed new community councils
- (iii) community councils and individuals or groups.

This right is in addition to other rights which may be conferred by statute.

# Glossary of Terms

## Community Council

Community councils are voluntary bodies which exist within a statutory framework and which have been granted statutory rights of consultation. The general purpose of a community council is to ascertain, co-ordinate and express the wider views of the entire community within its agreed boundaries. They can complement the role of the local authority but are not part of local government.

Recognised community councils unlike other community organisations, are included in the consultation process for all planning applications, they have the right to receive copies of applications, and will be recognised as competent bodies to make representations regarding applications. Community councils are not included in the formal consultation process for liquor licence applications, but are recognised as competent bodies to make comments on them, and they may also be consulted on general licensing matters. Community councils may also undertake other functions within the terms of their own constitution. It is the responsibility of a community council to satisfy the City Council, that they have taken positive steps to ascertain the views of the wider community within their area, before making representations on any matter, on behalf of the community.

A community council shall comprise of Elected, and Ex-Officio members. A community council may also, if it wishes, select a local, constituted community group to appoint a Delegated Member to represent that groups corporate views at community council meetings. The number of the Elected and Delegated Members shall be determined by the community council and recorded in its constitution. The community council's constitution shall also acknowledge the right of membership of those Ex-Officio Members designated by this Scheme.

## Member of a Community Council

### (a) Elected Members

To qualify to be nominated and elected to serve on a community council, a person must (i) reside within the community council area or sub-area, (ii) be 16 years of age or over, and (iii) be listed on either the City Council's Electoral Register or any supplementary roll prepared for this purpose. These members have full voting rights.

### (b) Delegated Members

A community council may also, if it wishes, elect a local, constituted community group to appoint a Delegated Member to represent that group's corporate views at community council meetings. This member shall also have full voting rights. A Delegated Member need not reside within the community council area.

### **(c) Ex-Officio Members**

Members of Parliament and Glasgow City Councillors shall, as of right, be members of the community council for any area wholly or partly in the constituency or ward which they represent. They shall have no voting rights, but their views on matters concerning the community council should be actively sought.

### **Sub-Area**

It is expected that Elected Members shall be residents from across the whole community council area, to ensure widespread representation of all residents. It is therefore recommended, that where the total population exceeds 5,000, then Sub-Areas should be formed, so that equal numbers of Elected Members from each Sub-Area shall comprise the total Elected Membership of the community council.

### **Elector/Qualified Resident**

A member of the public becomes a qualified resident and is permitted to act as an elector for community council purposes if they are :-

- (i) permanently resident within the community council area or sub-area,
- (ii) are 16 years or age or over,
- (iii) are listed on the City Council's Electoral Register or a community council supplementary roll.

Such a person can :-

- (i) vote at community council elections
- (ii) propose, second or accept nomination, and be elected to a community council
- (iii) propose and second motions at public meetings
- (iv) speak and vote at public meetings
- (v) sign a petition along with 19 other electors, requesting the establishment of a new community council
- (vi) sign a petition along with 19 other electors, requesting that a special public meeting be held
- (vii) request that a community council consider a matter at one of its meetings

### **Operational Guidelines**

This is a document to be read in conjunction with the Scheme for the Establishment of Community Councils, and which provides guidance on operational matters to community councillors to allow them to conduct the affairs of their community council in a competent and professional manner.

It is proposed that it will include sections relating to:-

- 1 Procedure for an Initial Election

- 2 Procedure for the appointment of a Delegated Member
- 3 Procedure for Elections
- 4 Responsibilities and Rights of Glasgow City Council
- 5 Procedure for Suspension or Dissolution of a Community Council
- 6 Disqualification of Community Councillors
- 7 Procedures for Consultation on Planning Applications and Commenting on Licensing Applications
- 8 Conducting Community Council meetings
- 9 Procedure for Considering an Application for Establishment of a New Community Council and Other Requests
- 10 Items for Inclusion in a Community Council's Constitution
- 11 Financial Management
- 11a Guideline on Grants and Accounting Procedures
- 12 Procedures for Dealing with Disputes
- 13 Legal Liability of Community Councillors
- 14 Liaison with Public Bodies and Voluntary Organisations.

