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Date: 19 March 2024

Dear Sir/Madam

You are invited to the following meeting:

**Special Shetland Islands Council**  
**Council Chamber, Lower Hillhead, Lerwick**  
**Tuesday 26 March 2024 at 10.00am**

Apologies for absence should be notified to Lynne Geddes, Committee Officer, on 01595 744592, or by email to the above address.

*(Please note that this meeting will be webcast live, recorded, and published online for public access after the meeting.)*

Yours faithfully

Executive Manager – Governance and Law

Convener: Councillor Andrea Manson  
Vice Convener: Councillor Bryan Peterson

## **AGENDA**

- (a) Hold circular calling the meeting as read.
  - (b) Apologies for absence, if any.
  - (c) Declarations of Interest: Members are asked to consider whether they have an interest to declare in relation to any item on the agenda for this meeting. Any declaration of interest should be sufficient for those at the meeting to understand why you consider you have a clear and substantial interest. If you are in any doubt about whether you have a declarable interest that would prevent you from participating in discussion or a decision, you should seek the advice of the Monitoring Officer, or the Council's legal officers on his behalf, in advance of the meeting.
  - (d) Convener's Opening Remarks
1. Shetland Community Council Scheme Review – Draft Scheme of Establishment  
*DV-14-24*



# Shetland Islands Council

Agenda  
Item

**1**

<b>Meeting(s):</b>	<b>Special Shetland Islands Council</b>	<b>26 March 2024</b>
<b>Report Title:</b>	<b>Shetland Community Council Scheme Review – Draft Scheme of Establishment</b>	
<b>Reference Number:</b>	<b>DV-14-24-F</b>	
<b>Author / Job Title:</b>	<b>Neil Grant Director – Development Services</b>	

## **1.0 Decisions / Action Required:**

That Shetland Islands Council RESOLVES to:

- 1.1 NOTE the phase one consultation feedback as detailed in Appendix A.
- 1.2 APPROVE that the Draft Scheme, as summarised in paragraph 4.11, and attached in full at Appendix B, is published for consultation in accordance with the statutory requirements for Phase Two of the current Community Council Scheme of Establishment review.

## **2.0 High Level Summary:**

- 2.1 A review of the Scheme is a statutory requirement set out in the Local Government (Scotland) Act 1973, as amended by the Local Government etc. (Scotland) Act 1994 (hereinafter the “1994 Act”). The relevant legislation also describes the manner in which reviews of such schemes should be undertaken, including the various rounds of statutory consultation required.
- 2.2 At a meeting of Shetland Islands Council on 14 June 2023, the Council approved a report which set out the scope and exclusions of the scheme review (Min Ref: SIC 37/23).
- 2.3 At a meeting of Shetland Islands Council on 3 October 2023, the Council approved a report to carry out Phase One consultation on the Community Council Scheme of Establishment boundary options and rules on composition (Min Ref: SIC 70/23). This report also provided delegated authority to the Executive Manager – Governance and Law to extend the current Community Council term by one year.

## **3.0 Corporate Priorities and Joint Working:**

- 3.1 The last major review of the Council’s Community Council Scheme took place shortly after the 1994 Act came into force and was completed before the end of 1996. Although small changes have taken place in relation to electoral arrangements and the individual constitutions of each Community Council, no comprehensive review has subsequently taken place. The undertaking of a comprehensive review represents best practice for the governance of public bodies and their associated entities – in this case Community Councils – to ensure that the statutory requirements, community objectives and overall efficiency of arrangements remain modern and fit for purpose.

## **4.0 Key Issues:**

- 4.1 The scope and exclusions of the review was approved as follows:
- Undertake consultation with Community Councils, Community Councillors and clerks
  - Undertake consultation with Council services, external partners, stakeholders, community organisations and the wider community on the role of Community Councils
  - Undertake research into Community Council Schemes of Establishment operated by other Local Authorities
  - Consider and review legal format of Community Councils and explore alternatives that would enhance their legal capacity
  - Review number of Community Councils and existing boundaries
  - Review Local Election Rules and consider mechanisms to support Community Councils to be representative of their local communities
  - Ensure that this review considers the United Nations Convention on the Rights of the Child
  - Consider Community Council funding, which will include Community Council core funding and its relationship to the Council's Community Development Fund grant aid scheme
  - Exclusions to this review are other community grants schemes administered by the Grants Unit such as Support to Community Facilities and Coastal Communities Fund grant aid schemes. Also outwith the scope of the review is encouraging more people to stand for election, and the role of Clerks.
- 4.2 To review the Community Council Scheme of Establishment, the Council is required to follow certain statutorily prescribed processes, which includes undertaking three rounds of public consultation. The consultation phases must be conducted in a pre-set sequence and are subject to minimum consultation time periods as set out below:
- Phase One: minimum consultation period - 8 weeks  
Phase Two: minimum consultation period - 8 weeks  
Phase Three: minimum consultation period - 4 weeks
- All proposals set out in each phase of consultation must be approved by Council prior to consultation commencing onto the relevant next stage.
- 4.3 It is assumed that the Council's budgets for Community Council core funding and the Community Development Fund do not change during the review period. It is also assumed that the Scottish Government's Local Governance Review does not place barriers or restrictions on Community Councils.
- 4.4 Whereas no date has yet been explicitly confirmed, members should note that the next UK Parliamentary General Election is expected to take place in autumn of 2024. Phase Three of the scheme review consultation process could be impacted by Pre-Election period restrictions and resource availability. However this has

been mitigated by the Council's decision to extend the existing Community Council term to three years.

- 4.5 A Phase One community consultation exercise on the Scheme Review has been carried out, which was seeking comments on proposed boundary areas and composition of Community Councils in Shetland. The consultation exercise took place over a 12 week period commencing on Friday 20 October 2023 and closing on Friday 12 January 2024.
- 4.6 The consultation exercise undertook the following methods:
- Online public survey
  - Face to face public drop-in sessions (7 venues across Shetland)
  - Remote meeting with representatives from Islands With Small Populations
- 4.7 A total of 100 survey forms were received during the consultation period along with a number of direct responses from Community Councils. In addition to this, contributions and feedback were received from members of the public and Community Councillors at the public drop-in sessions.
- 4.8 Members will note from the consultation feedback that the most preferred boundary area option was Option 1 (the status quo). There were also minimal comments in terms of Community Council composition. A summary of the Phase One consultation results are attached as Appendix A.
- 4.9 In accordance with the terms of section 22(3) of the 1994 Act, Phase Two of the Community Council Scheme Review requires the Council to prepare and consult on a draft amended Scheme of Establishment. Over the winter months, the Project Board has developed a set of draft amended Scheme documents which include a number of proposed changes. These proposals were shared and discussed at a Members Seminar on 18 March 2024.
- 4.10 Following feedback at the Seminar, a Draft Scheme is attached as Appendix B.
- 4.11 Much of the proposed changes are minor amendments and updates to the Scheme. However the draft amended Scheme document also includes the following key proposals:
- Retain number of Community Councils as 18 and retain existing area boundaries
  - Revise Community Council composition, including the introduction of population bands
  - Revise Community Council Code of Conduct
  - Introduce new Community Council Standing Orders
  - Merge the existing Community Council core funding allocations and Community Development Fund into one new funding scheme with a new funding formula
  - Any individual who is elected to serve on the Shetland Islands Council, or the Scottish or UK Parliaments or Youth Parliaments, shall be ineligible to remain

a Community Councillor, or to stand for election or be co-opted as a voting member of a Community Council. Such persons, upon taking office, become *ex-officio* members of the Community Councils contained in whole or in part of their electoral constituency. These individuals will not, however, have voting rights.

- If any member of a Community Council fails to attend any Community Council meeting, with or without submitting apologies, throughout a period of 6 months, the Community Council may terminate their membership. At the discretion of individual Community Councils, a period of leave of absence for Community Council members may be granted at any meeting of the Community Council.
- In recognition of the spirit of the anticipated full commencement of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, to introduce a new Youth Member category. Each Community Council may appoint two youth members between the ages of 12 to 16. Youth members must reside within the Community Council area. These individuals do not have voting rights. Youth members may serve for a fixed period as determined by the Community Council or for the term of office of the Community Council that has appointed them.

A summary of proposed material changes are set out in Appendix C

4.12 The Phase Two consultation process will commence in April 2024 and run until June 2024. The consultation will be open for a period of 10 weeks to ensure Community Councils and others have sufficient time to carefully consider the draft scheme and provide a response. Consultation will take a number of forms including:

- Online public survey
- Direct 1:1 consultation with each Community Council

4.13 Findings from the Phase Two consultation process will be analysed, collated and shared with Elected Members prior to finalising arrangements and documents for the final Phase Three consultation process. The Phase Three consultation process is currently scheduled to commence in October 2024.

## **5.0 Exempt and/or Confidential Information:**

5.1 None.

## **6.0 Implications :**

### **6.1 Service Users, Patients and Communities:**

The consultation phase of the scheme review will seek to be as open and inclusive as possible. Phase Two consultation will include direct engagement with each Community Council.

This report does not introduce any interruption in the continuity of Community Councils and the representation that they provide for their communities.

<b>6.2 Human Resources and Organisational Development:</b>	The only Human Resource issue is the one addressed in paragraph 4.4 in that this review is dependent on capacity of staff to undertake the review. It will not be possible to apply resources of the staff groups identified in the conduct of a review if other priorities have to take precedence.
<b>6.3 Equality, Diversity and Human Rights:</b>	This specific report does not engage any of these legally protected considerations, in and of itself, but the review itself will have to ensure that there is no detrimental impact and in particular will retain a focus on effective community representation on all of Shetlands Islands. The review will, therefore, specifically include an Island Communities Impact Assessment to identify impacts and to minimise any detrimental impacts the review might bring about.
<b>6.4 Legal:</b>	There are various legal steps and statutory timescales that must be adhered to in relation to the Community Council scheme review and which have been referenced in the body of this report, above. The recommendations of this report have been formulated with reference to the relevant statutory provisions of the abovementioned 1973 and 1994 Acts and in recognition of the current stage of this overall Community Council scheme review.
<b>6.5 Finance:</b>	<p>None arising immediately from this report.</p> <p>However the scope of the review includes a review of funding arrangements, including exploring the relationship between Community Council core funding and the Community Development scheme. Any potential changes to Community Council funding would not take place until financial year 2025/26.</p> <p>Budgetary provision will be included in the 2025/26 revenue estimates to meet cost of the Community Council Elections that are scheduled to take place in 2024/25. It is estimated that the Community Council elections could cost up to £12,000.</p>
<b>6.6 Assets and Property:</b>	No implications arising from this report.
<b>6.7 ICT and New Technologies:</b>	No implications arising from this report.
<b>6.8 Environmental:</b>	No implications arising from this report.
<b>6.9 Risk Management:</b>	The risk of delaying a decision to commence Phase Two of the consultation process could mean the scheme review could fall behind in terms of the revised timetable. This could have a knock on effect of missing future deadlines, which will have a number of challenges on Community Councils and Council staff.

<b>6.10 Policy and Delegated Authority:</b>	In accordance with Section 2.1 of the Council's Scheme of Administration and Delegations, the Council has not delegated decisions regarding changes to its Scheme of Community Councils review to any other committee. Matters regarding the conduct of democratic elections and determination of the Local Election Rules for Community Councils are reserved to the Council.	
<b>6.11 Previously Considered by:</b>	None.	

**Contact Details:**

Michael Duncan – External Funding Officer / Community Council Liaison Officer

01595 743828

Date Cleared: 19 March 2024

**Appendices:**

Appendix A: Scheme Review Phase One consultation results

Appendix B: Draft Scheme of Establishment

Appendix C: Material Changes proposed in the Draft Scheme

**Background Documents:** None

ENDS



### Community Council Scheme Review – Stage One Consultation analysis

Shetland Islands Council launched phase one of Community Council Scheme review consultation on [Friday 20 October 2023](#) and closed for comments at 5pm, Friday 12 January 2024.

The consultation consisted of an online survey and a series of public drop-in events that were held across Shetland in November 2023 and focused on Community Council areas and composition. Five Community Council boundary options were circulated as part of the consultation papers.

The consultation period is now closed and the results are summarised as follows:

**Total return sample**      100 submissions were received to the online survey.

#### Preferred option

Responders were asked to rank the following options in terms of preference:

Option 1 – no change (18 Community Councils).

Option 2 – create a single new Community Council for Fair Isle, Fetlar, Foula, Papa Stour and Skerries. No change to remaining 16 Community Councils, other than adjustments made to boundaries of Dunrossness and Sandness & Walls Community Councils (17 Community Councils).

Option 3 - create a single new Community Council for Fair Isle, Fetlar, Foula, Papa Stour and Skerries; create five new Community Councils matching the Shetland mainland multi-member wards; retain Community Councils in Bressay, Whalsay, Unst and Yell (10 Community Councils).

Option 4 – create new Community Councils that match multi-member wards (7 Community Councils).

Option 5 – create new Fair Isle and Foula Community Councils, no change to existing 18 Community Councils, other than adjustments made to boundaries of Dunrossness and Sandness & Walls Community Councils (20 Community Councils).

Description	Option 1	Option 2	Option 3	Option 4	Option 5
Fully in favour	72	7	5	5	14
Partially in favour	5	4	0	2	1
Undecided	4	17	16	10	30
Did not support	7	47	54	55	23
Did not respond	12	25	25	28	32
TOTAL	100	100	100	100	100

Option 1 was the preferred option (18 Community Councils – “status quo”).

**Please use the space below to provide any further feedback on the above five options, including the reason(s) for your choices/ranking.**

45 did not respond to this question. A total of 55 responses and comments received, of these:

- A lot of respondents highlighted that the consultation document required them to rank all 5 boundary options. A number of respondents felt they did not want to select all 5 options, instead perhaps only selecting their preferred first and second choices. Others wished to rank certain options as the same but again the survey form did not permit this.
- Some respondents expressed concerns about having fewer Community Councils. It was commented that having less, larger Community Councils would make them less representative, but also more detached from local communities. Some Community Councils already feel marginalised and would worry that larger Community Councils would make the situation worse.
- A few respondents also raised that communities have distinct needs, geography and culture and it was important for Community Councils to have good local knowledge and for members to be locally based. This was felt to be better than having Community Council members having to travel significant distance and having no knowledge of the rest of the bigger Community Council area.
- There was also a number of points made that Island communities were best placed to determine whether or not they should have their own Community Council.
- Other comments raised the problems with recruiting new members, with vacant seats and the need to have younger people involved in Community Councils.

**The above five options have been identified by the Council. However, the Council recognises you may have your own boundary option proposal that is not set out above, but which you still wish to suggest. If so, please use the space below to provide any suggestions or representations you wish to make in respect of your own boundary proposal(s). Please also let us know if you think any proposal you suggest here would be better than any of the five options listed, above.**

70 did not respond to this question. A total of 30 responses and comments received, of these:

- Two respondents proposed that Community Councils be abolished.
- One respondent suggested that Gulberwick, Quarff & Cunningsburgh Community Council could be separated out further into smaller Community Councils as they were felt to be very different communities.
- There was another suggestion that the two westside Community Councils (Sandness & Walls CC and Sandsting & Aithsting CC) could be split into three Community Councils to make them less dispersed areas.
- There was also a proposal to add Bressay into Lerwick North and split Lerwick CC into North and South.
- One comment was made that democracy needs to be devolved to the lowest level possible, and a number of respondents were satisfied with the existing boundaries as reflected in option 1.
- The vast majority of respondents did not provide any alternative Community Council area proposals.

**Please use the space below to provide any suggestions or representations you may have as to the current composition of Community Councils in Shetland. You may use this space to give your views on anything to do with Community Council composition. The Council is particularly keen to find out if you feel there needs to be any changes.**

70 did not respond to this question. A total of 30 responses and comments received, of these:

- A lot of respondents commented that they are satisfied with current Community Councils and see no need to change anything.
- Some respondents highlighted the need to increase resources and powers to Community Councils, to make them more effective and attractive to recruiting members.
- Some respondents commented that Community Councils are grassroots democracy and are important to represent communities and local issues.
- A few respondents raised the need for Community Councils to recruit more women and younger people, to better reflect community demographics. Also the need to keep membership refreshed rather than long term members.
- A few respondents raised the need to better promote the role and work of Community Councils and the voluntary contribution put in by Community Councillors

## **Responder status**

1 respondent did not complete this question. A total of 99 responses received.

Of these:

• Community Councils	19
• Voluntary organisation / community group	6
• Private business	3
• Individual	71
• Public sector organisation	0

## **Community Council Scheme Review, Phase One Consultation Conclusion**

The first phase of consultation has identified that Option 1 – no change – is the preferred option. The survey responses were closely mirrored in the feedback received at the drop-in sessions. Comments highlighted a number of issues which are summarised below:

- Leave boundaries alone – no changes
- Small islands should decide how they want to be represented – not grouped together
- Larger Community Council areas would mean local representation could suffer
- Need to promote the role of Community Councils
- Need to provide Community Councils with more power & resources
- Need to recruit more young people and women in order to make Community Councils more representative



Community Council Scheme 2025

**SHETLAND ISLANDS COUNCIL  
COMMUNITY COUNCIL  
SCHEME OF ESTABLISHMENT**

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## 1 INTRODUCTION

Community Councils were first established in Scotland through the 1973 Act. Thereafter, the 1994 Act, which produced the current system of 32 unitary local authorities, made provision for the continuation of Community Councils. Every local community in Scotland is entitled to petition their local authority to establish a Community Council in their area. The Local Authority hereby sets out the following Scheme.

This Scheme seeks to promote and support the role of Community Councils in implementing the wider legal framework for community engagement and empowerment in Scotland. This Scheme also enables Community Councils to participate in the Shetland Partnership's approach to Place-Based working.

## 2 STATUTORY PURPOSE

The statutory purposes of Community Councils are set out in section 51(2) of the 1973 Act, as follows:-

***“In addition to any other purpose which a Community Council may pursue, the general purpose of a Community Council shall be to ascertain, coordinate 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 interest of that community as appears to it to be expedient and practicable.”***

## 3. COMMUNITY COUNCIL GOVERNANCE

Community Councils shall operate the Constitution and Standing Orders based on documents approved by the Local Authority and which comprise the Scheme. Each Community Council shall hold a bank account in the name of the Community Council to be operated by a minimum of two unrelated signatories drawn from the Core Membership. Additionally, each Community Council, and its respective memberships, shall at all times adhere to the Code of Conduct.

The Scheme sets out the rules and protocols for Community Councils and shall, amongst other things: guide and stipulate how Community Councils must conduct their affairs; how they shall recruit members; and how to function during meetings.

Community Councils may put forward proposed revisions to the Scheme or the Supplementary Documentation to the Local Authority for consideration. Any such proposed changes must, at a minimum and subject to any further requirements as may be set out by the Local Authority, have the support of the Association of Shetland Community Councils.

No alterations or amendments may be made to the Scheme or the Supplementary Documentation without the prior approval of the Local Authority. Any approved changes to the terms of the Scheme and/or the Supplementary Documentation shall be applied to all Community Councils in the Shetland Islands. Following such Local Authority approval, each Community Council will be required to adopt and implement the relevant amendments.

#### **4. ROLE AND RESPONSIBILITIES OF COMMUNITY COUNCILS**

As the most local tier of elected representation in Scotland, Community Councils play an important role in local democracy by representing local views, which can influence decisions on planning and provision of local services.

Community Councils bridge the gap between the Local Authority and communities, and help to make public sector bodies aware of the views and needs of the communities they represent. Community Councils carry out a range of important roles including:

- Commenting on planning and licensing applications
- Responding to local, regional and national consultations
- Providing financial assistance to local groups and projects
- Developing local facilities and amenities
- Consulting with communities
- Undertaking environmental improvements
- Organising local events such as Participatory Budgeting
- Liaison with the Local Authority and other public sector bodies on issues affecting the community they represent

Community Councils must adhere to the law at all times, and must comply with the terms of the Scheme, and any Supplementary Documentation the Local Authority may adopt, from time to time.

Community Councils also have a responsibility to ensure the work they do is accurately recorded and that documents, such as agendas and minutes, are made available to the local community and regularly published.

#### **5. EQUALITIES**

The Equality Act 2010 makes it unlawful to discriminate against persons or groups on the grounds of the protected characteristics of race, sex, gender recognition, disability, age, sexual orientation, marriage and civil partnership, pregnancy and maternity, and religion or belief.

Recognition should be given to the contribution of everyone participating in the work of a Community Council. Community Councils must comply with equal opportunities legislation and should recognise and value diversity in their membership and in their communities, ensuring that equality of opportunity be given to every resident to have their knowledge, opinion, skill and experience taken into account.

#### **6. COMMUNITY COUNCIL AREAS**

The Council has carefully considered the location, population, electorate and needs of the communities within the Shetland Islands. Communities, the local needs and interest of residents within these communities, will be best served by the provision of Community Council areas as follows:



- Bressay
- Burra and Trondra
- Delting
- Dunrossness
- Fetlar
- Gulberwick, Quarff and Cunningsburgh
- Lerwick
- Nesting and Lunnasting
- Northmavine
- Sandness and Walls
- Sandsting and Aithsting
- Sandwich
- Scalloway
- Skerries
- Tingwall, Whiteness and Weisdale
- Unst
- Whalsay
- Yell

Reference map is set out in Schedule 3 to the Scheme. The area boundaries shall be approved by the Local Authority and may be subject to periodic review and modification as may be required from time to time.

## 7. SHETLAND PARTNERSHIP PLAN

Community Councils are expected to contribute towards the aims and objectives of Shetland's Partnership Plan 2018 – 2028 and the shared vision that:

*“Shetland is a place where everyone is able to thrive; living well in strong, resilient communities; and where people and communities are able to help plan and deliver solutions to future challenges”*

Community Councils are expected to demonstrate how their work will drive change for Shetland and deliver on the Partnership priorities, namely:

Place – *“Shetland is an attractive place to live, work, study and invest”*

Participation – *“People participate and influence decisions on services and use of resources”*

People – *“Individuals and families thrive and reach their full potential”*

Money – *“All households can afford to have a good standard of living”*

## **8. COMMUNITY COUNCIL RESOURCING**

The Community Council financial year will operate from 1 April-31 March annually.

Community Councils shall access annual core funding from the Local Authority. The Council will invite applications from Community Councils as soon as possible following the setting of the Local Authority's budget book.

Each Community Council shall be eligible to apply for grants for suitable projects through the local authority's grant system.

The local authority may provide an initial administrative grant to Community Councils to assist with the operating costs of the Community Council. The grant shall be fixed at a minimum flat rate of £ (to be determined by the local authority) with an additional minimal £ (to be determined by the local authority) linked to Community Council population.

Community Councils will have discretion how to utilise its funding. However, to account for the financial assistance, Community Councils must submit annual accounts to the Local Authority within six months of financial year end that have been independently checked and certified to demonstrate how the funds have been used.

Community Councils must also produce and supply the Local Authority with an annual report for the corresponding financial period to illustrate what has been delivered and what outcomes have been achieved with the core funding as well as any other performance indicators as the Local Authority may require to be addressed in any given annual report for any given financial year.

In addition to core funding, the Local Authority shall also be responsible for arranging insurance cover on behalf of Community Councils. The Local Authority will supply each Community Council with a copy of the insurance cover as soon as possible.

## **9. MEMBERSHIP AND ELECTION RULES**

The Returning Officer will administer Community Council elections in the Shetland Islands and shall oversee Community Council membership eligibility.

The term of office of a Community Council will be four years. A general election of all Community Council members will be held on a four-yearly-cycle on a date and timetable as set by the Returning Officer, in accordance with the Membership and Local Election Rules from time to time in force and in consultation with the Local Authority, Community Councils and the Electoral Registration Officer for the Shetland Islands. Full details on Membership and Local Election Rules are contained within Schedule 6 of the Scheme.

## **10. APPLICATION TO ESTABLISH ADDITIONAL COMMUNITY COUNCILS**

Where no Community Council exists, formation of a new Community Council shall be initiated in an approved area on receipt of an application submitted pursuant to section 52(7) of the 1973 Act. The Local Authority shall, within not more than six weeks from the date of such application, organise wider consultation and engagement procedures culminating in elections or other voting arrangements for the purpose of establishing the Community Council, at all times in accordance with the requirements of the 1973 Act.

## **11. COMPLAINTS**

Complaints about Community Councils and/or members of a Community Council must be dealt with in accordance with the Complaints Handling Procedure.

## **12. INTERPRETATION**

The following definitions apply to the above paragraphs:

<b>Term</b>	<b>Definition</b>
1973 Act	means the Local Government (Scotland) Act 1973.
1994 Act	means the Local Government etc. (Scotland) Act 1994.
ASCC	means the Association of Shetland Community Councils.
Complaints Handling Procedure	means any complaints handling procedure in respect of Community Councils in Shetland, and membership of same, which the Local Authority may choose to adopt from time to time and which shall, following such adoption, form part of the Supplementary Documentation.
Core Membership	has the meaning given it in paragraph 4.2 of Schedule 1 (Constitution) to this Scheme.
Local Authority	means Shetland Islands Council.
Returning Officer	means the person who is for the time being appointed by the Local Authority under section 41(1) of the Representation of the People Act 1983.
Scheme	means this Scheme of Establishment for Community Councils in Shetland, together with the six Schedules attached to it, as adopted by the Local Authority.
Supplementary Documentation	means any documentation from time to time adopted by the Local Authority to assist in the interpretation or application of the Scheme, and address or clarify any matters incidental thereto or arising therefrom. Supplementary Documentation shall not form part of the Scheme.

Schedule 1



Community Council Scheme 2025

**«CCNAME» COMMUNITY COUNCIL  
CONSTITUTION**

This Constitution was adopted at a meeting of «CCName» Community Council held on:

Date \_\_\_\_\_

(Signed) \_\_\_\_\_  
Chair, «CCName» Community Council

This Constitution was received and entered in the Register of Community Council Constitutions on:

Date \_\_\_\_\_

(Signed) \_\_\_\_\_  
Executive Manager - Governance and Law, Shetland Islands Council

**1 Name**

The name of the Community Council shall be «CCName» Community Council. All references in this Constitution to “Community Council” shall be construed as referring to «CCName» Community Council and “Community Councillor” shall be construed correspondingly.

**2 Area**

The area of the Community Council shall be the electoral division(s) agreed by the Shetland Islands Council (hereinafter the “Local Authority”) in terms of the Shetland Islands Council Community Council Scheme 2025 (hereinafter the “Scheme”). The current electoral division(s) is/are appended to this Constitution.

**3 Objects**

Without prejudice to any other legitimate and competent purpose which the Community Council may pursue, the general purpose of the Community Council shall be to promote the well-being of the community comprising the «CCName» area by ascertaining, co-ordinating and expressing to the Local Authority, and to public authorities, the views of the community which it represents, in relation to such matters for which those authorities are responsible, and by taking such action in the interests of the community as appears to it to be expedient and practicable.

**4 Membership**

4.1 The membership of the Community Council shall comprise:

- (a) «Membership\_Total» elected members;
- (b) Co-opted members filling seats in the absence of elected members;
- (c) Associate members;
- (d) Youth members;
- (e) Ex-officio.

4.2 Categories (a) and (b) above shall comprise the “Core Membership” (and are hereafter referred to as such) and candidature to the Core Membership will be restricted to those 16 years of age or over whose names appear on the relevant electoral roll and who are not otherwise disqualified from standing for election onto the Community Council. The number of co-opted members in category (b) above shall be limited to «Cooptions\_Allowed», being one-third of the specified number in category (a) above, or if the Community Council has a membership of less than nine, the number shall be three.

4.3 The Community Council may appoint such number of Associate members, in category (c) above, and candidature will not be restricted to those eligible to stand for election. Associate members may be appointed by the Community Council where there may be a need for individuals with particular skills or knowledge. Associate members shall not have voting rights. Associate members may serve for a fixed period as determined by the Community Council or for the remaining term of office of the Community Council. Associate members may also include representation from other constituted local voluntary

organisations. Associate members are not required to be residents of the Community Council area, but must be a minimum of age 16 on the day of their appointment. There is no upper limit on the number of Associate members the Community Council may appoint. The decision of who may become an Associate member lies exclusively with the Core Membership.

- 4.4 In category (d) above, the Community Council may appoint two Youth members between the ages of 12 to 16. Youth members must reside within the Community Council area. Youth members shall not have voting rights. Youth members may serve for a fixed period as determined by the Community Council or for the remaining term of office of the Community Council; with the reasoning and decision recorded in the relevant minute. The decision of who may become a Youth member lies exclusively with the Core Membership.
- 4.5 In category (e), Local Authority Councillors, MPs, MSPs and MSYPs whose wards or constituencies fall wholly or partly within the geographical area of the Community Council shall be deemed ex-officio members of the Community Council. Ex-officio members shall have no voting rights on the Community Council. Any individual elected to serve on the Local Authority, or to the Scottish or UK Parliaments shall be ineligible to remain a Community Councillor, or stand for election to the Core Membership of the Community Council.
- 4.6 Full voting rights shall be restricted to the Core Membership.

### **Disqualification of membership**

- 4.7 Membership of the Community Council shall be invalidated should a Community Councillor's electoral registration within the Community Council area cease to exist.
- 4.8 If any Community Councillor fails to attend any Community Council meeting, with or without submitting apologies, throughout a period of six months, the Community Council may terminate their membership by simple majority decision of the Core Membership. At the discretion of the Community Council, a period of leave of absence for Community Councillors may be granted in exceptional circumstances.

## **5 Elections and Terms of Office**

- 5.1 Elections to the Community Council shall be held in accordance with the Local Election Rules comprising Schedule 6 to the Scheme from time to time in force.
- 5.2 General election of the Core Membership shall be at a time and following a method approved by the Local Authority in consultation with all Community Councils in Shetland, the Returning Officer for the Shetland Islands Area and the Electoral Registration Officer for the Shetland Islands Area.

## **6 Management**

- 6.1 The Community Council shall meet as often as its members deem necessary but not less than six times per annum.
- 6.2 The Community Council will appoint and provide for the payment for the services of a Clerk.
- 6.3 The Community Council shall appoint such committees and/or sub-committees as it may from time to time decide and shall determine the terms of reference, powers, duration and composition of such committees or sub-committees. No delegated authority shall be passed to such committees and/or sub-committees. All decisions arising from such committee and/or sub committees shall be referred to the Community Council and thereafter decided by the Core Membership.
- 6.4 Notices calling any meetings of the Community Council and of any committees or sub-committees of the Community Council, specifying the items of business to be discussed, will be sent to the Local Authority and Community Councillor, not less than five days (including weekend days) before the day of any such meeting. A copy will also be displayed in a prominent place in the Community Council area at least five days (including weekend days) before the date of the meeting referred to in the notice. In the event of a meeting having to be called at shorter notice, the public notice shall be displayed as soon as practicable.

### **Ordinary meetings (all held in public)**

- 6.5 Ordinary meetings of the Community Council will be held on the dates and times which the Community Council decides. Meetings will normally be held in a venue located somewhere inside the Community Council area.

### **Special meetings**

- 6.6 A Special Meeting of the Community Council can be called at any time:
- a) If the Chairperson of the Community Council deems it necessary to do so; or
  - b) If a written request is received by the Clerk, signed by not less than one third of the Core Membership. The need for such a meeting may preclude the giving of normal five days advance notice, but every effort will be made by the Clerk to give the normal five day notice period for a Special Meeting.
- 6.7 Special Meetings may be called for a single item agenda. For example, a time critical topic that needs Community Council attention.

### **Urgent meetings**

- 6.8 The Chairperson may at any time call an urgent meeting of the Community Council. The need for such a meeting shall preclude the giving of the normal five day notice of a meeting. On the instruction of the chair of the Community Council, the Clerk may call an urgent meeting with not less than two days' notice.

- 6.9 Urgent meetings shall only be called in the event of an emergency situation or to discuss an issue deemed of high importance to the Community Council. The purpose for the meeting should be intimated on the agenda and correspondingly recorded in the minutes.
- 6.10 A copy of the draft minutes of Community Council meetings shall be forwarded to the Local Authority as soon as practicable after the date of the meeting (but in no case more than 21 days after the date of the meeting). Within 21 days of the date of the meeting, further copies of the said minutes will be displayed at places accessible to the public residing locally and shall there remain available for public inspection for a period of not less than 14 days.

## 7 Public Participation

- 7.1 Except by resolution of the Community Council under section 7.2 of this Constitution, all meetings of the Community Council and of its committees and sub-committees shall be open to members of the public. Only with the permission of the Chairperson shall members of the public have a right to speak at those meetings. This permission shall not be unreasonably withheld.
- 7.2 The Community Council and its committees and sub-committees may **by resolution** agree:
- (a) to exclude the public for any items of business of a private or confidential nature or when in the opinion of the Community Council it would be in the community interest to do so; or
  - (b) to exclude the public where, for practical, technological, legal or public health reasons, remote attendance by the general public is not possible or permitted.

In such circumstances, and for the duration of consideration of such an item, the public will be excluded from the meeting.

## 8 Control of Finance

- 8.1 All monies raised by or on behalf of the Community Council shall be applied to further the objects of the Community Council and for no other purposes.
- 8.2 The Community Council shall undertake to keep proper accounts of the finances of the Community Council.
- 8.3 At least once per year the Community Council's accounts shall be independently checked and certified as true by an appropriately qualified independent examiner acceptable to the Chief Finance Officer of the Local Authority. A list of approved examiners will be maintained by the Association of Shetland Community Councils.



- 8.4 A copy of each year's independently certified accounts will be supplied to the Local Authority within 6 months of financial year end.
- 8.5 The Community Council shall hold a bank account in the name of the Community Council, operated by a minimum of two unrelated signatories drawn from the Core Membership.

## 9 Information to the Local Authority

- 9.1 The Community Council shall submit minutes of all meetings to the Local Authority and shall submit independently certified annual accounts in line with section 8 above.
- 9.2 The Community Council shall produce an annual report for the period of 1 April to 31 March each year and submit a copy of its approved annual report to the Local Authority by the 30 September following the year end of 31 March. The Community Council shall populate and complete each annual report with such information and data as the Local Authority may require from time to time.
- 9.3 The Community Council shall submit its annual calendar of Community Council agreed meeting dates for the following calendar year when requested by the Local Authority.

## 10 Dissolution

- 10.1 The Community Council shall be deemed to be dissolved if, nominations having been sought for elected membership of the Community Council, the number of valid nominations received is insufficient to ensure that at least **ONE THIRD** of elected members will be in office.
- 10.2 On dissolution of the Community Council, all assets remaining, subject to the approval of the Local Authority, after the satisfaction of any proper debts or liabilities shall transfer to the Local Authority who shall hold same in trust for any future Community Council representing that area
- 10.3 In the event of dissolution, fresh nominations for membership of the Community Council will be sought not more than six months after the date of dissolution or, should such an election be scheduled for an earlier date, to coincide with the next general election to the Community Council, as described in section 5.2 above.

END OF CONSTITUTION

[Appendix - Notes](#)

**Constitution Notes:**

1. Shetland Islands Council Electoral Divisions in the Area of «CCName» Community Council: «Electoral\_Dvisions»
2. Shetland Islands Council Wards in the Area of «CCName» Community Council: «Council\_Wards»
3. Membership total: «Membership\_Total»
4. Minimum Quorum: «Quorum» voting members
5. Maximum Co-options allowed: «Cooptions\_Allowed»
6. Maximum Associates allowed: no restriction

ENDS

Schedule 2

**Community Council Composition**

Community Councils, populations, maximum and minimum numbers

<b>Proposed Community Council</b>	<b>Population (2011)</b>	<b>Maximum number</b>	<b>Minimum number</b>
Bressay	368	8	3
Burra and Trondra	987	8	3
Delting	1,917	10	4
Dunrossness	1,552	10	4
Fetlar	61	6	3
Gulberwick, Quarff & Cunningsburgh	1,521	10	4
Lerwick	6,928	15	5
Nesting and Lunnasting	624	8	3
Northmavine	741	8	3
Sandness and Walls	978	8	3
Sandsting and Aithsting	831	8	3
Sandwick	970	8	3
Scalloway	1,479	9	3
Skerries	74	6	3
Tingwall, Whiteness and Weisdale	1,477	9	3
Unst	632	8	3
Whalsay	1,061	9	3
Yell	966	8	3
<b>TOTAL</b>	<b>* 23,167</b>	<b>156</b>	<b>59</b>

\* Population due to be amended when 2022 census figures are published

Proposed population bands

<b>Population bands</b>	<b>Maximum number</b>	<b>Minimum number</b>
0-249	6	3
250-999	8	3
1,000 – 1,499	9	3
1,500 – 1,999	10	4
2,000 – 2,999	11	4
3,000 – 3,999	12	4
4,000 – 4,999	13	5
5,000 – 5,999	14	5
6,000 – 6,999	15	5
7,000 – 7,999	16	6
8,000 – 8,999	17	6
9,000 – 9,999	18	6

# Shetland Community Council Areas Proposed

- Aithsting and Sandsting
- Bressay
- Burra and Trondra
- Delting
- Dunrossness
- Fetlar
- Gulberwick, Quarff and Cunningsburgh
- Lerwick
- Nesting and Lunnasting
- Northmavine
- Sandness and Walls
- Sandwick
- Scalloway
- Skerries
- Unst
- Whalsay
- Tingwall, Whiteness & Weisdale
- Yell

Foula

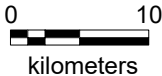
Papa Stour

Whalsay

Bressay

Fetlar

Skerries



Scale: 1:546,900

Fair Isle

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Schedule 4



Community Council Scheme 2025

**«CCNAME» COMMUNITY COUNCIL**

**STANDING ORDERS**

These Standing Orders were adopted at a meeting of «CCName» Community Council held on:

Date \_\_\_\_\_

(Signed) \_\_\_\_\_  
Chair, «CCName» Community Council

## 1. First Meeting After An Election

- 1.1 The first meeting of the new Community Council must take place within one calendar month from the date of the ordinary elections. At the first meeting the Community Council will:
  - a) Elect a Chair;
  - b) If so resolved, elect a Vice Chair;
  - c) Acknowledge and note the identify of ex-officio members (Shetland Islands Councillors, MPs, MSPs and MSYPs whose wards or constituencies fall wholly or partly within the geographical area of the Community Council);
  - d) Identify if the Community Council has any existing Associate Members and, if so, agree to their continuation;
  - e) Identify if the Community Council has any existing Youth Members and, if so, agree their continuation;
  - f) Note the number of vacant seats that exist, if any, after the elections – establish if any existing Associate members are eligible for co-option and, if so, wish to be co-opted to become a full Community Council member with voting rights;
  - g) Determine the process that will be used by the Community Council to promote and fill the vacant seats;
  - h) Deal with any items of business that needs consideration, keeping to the terms of these Standing Orders;
  - i) Any other competent business;
  - j) Date of next Community Council meeting.
- 1.2 The Chairman and Vice-Chairman, unless they resign or otherwise leave the Community Council, will continue in such office until the next Community Council general election.
- 1.3 The Chair may only serve a maximum of four consecutive years. On serving as Chair for the maximum time period, the individual in post must step down and cannot return to the same office for a minimum period of two years. In exceptional circumstances, to be determined by resolution of the Community Council, the Chair may be considered to serve beyond the maximum period of four years. Such exceptional circumstances would require a unanimous decision being passed by Community Council voting members.

## 2. Meetings

### 2.1 Ordinary Meetings (all held in public)

- 2.1.1 Ordinary meetings of the Community Council will be held on the dates and times which the Community Council decides. Meetings will normally be held in a venue located somewhere inside the Community Council area.

- 2.1.2 Meetings of the Community Council may, by the ruling of the Chair, be conducted by remote video or telephone link or in any other way which will allow members to participate in the meeting. Facilities to enable remote participation by members shall be made available at meeting venues where possible by the Community Council. The Chair must always attend the meeting in person. Members attending by remote participation are included for the purposes of a quorum.
- 2.1.3 No sound, film or video recording of the proceedings of any meeting of the Community Council, its committees or sub-committees shall be made without the prior approval of the meeting.

## **2.2 Special Meetings**

- 2.2.1 A Special Meeting of the Community Council can be called at any time:
- a) If the Chair deems it necessary to do so; or
  - b) If a written request is received by the Clerk, signed by not less than one third of the members of the Community Council with full voting rights. The need for such a meeting may preclude the giving of the normal five days advance notice, but every effort will be made by the Clerk to give the normal five day notice period for a Special Meeting
- 2.2.2 Special Meetings may be called for a single item agenda. For example a time critical topic that needs Community Council attention.

## **2.3 Urgent Meetings**

- 2.3.1 The Chair may at any time call an urgent meeting of the Community Council. The need for such a meeting shall preclude the giving of the normal five day notice of a meeting. On the instruction of the Chair, the Clerk may call an urgent meeting with not less than two days' notice.
- 2.3.2 Urgent meetings shall only be called in the event of an emergency situation or to discuss an issue deemed of high importance to the Community Council. The purpose for the meeting should be intimated on the agenda and recorded in the minutes.

## **2.4 Order of Business**

- 2.4.1 The order of business at every ordinary Community Council meeting shall typically be as follows:
- a) Record who is present and apologies received;
  - b) Declaration of interest;
  - c) Minutes of the previous meeting of the Community Council shall be submitted for approval;
  - d) Matters arising from previous minute not on the agenda;
  - e) Any other item of business, which the Chair has directed, should be considered;
  - f) Any other competent business;
  - g) Date of next meeting and close meeting.

- 2.4.2 Business shall be dealt with in the order which it appears on the agenda. However the Chair of the meeting may, with the consent of the majority of members present and voting, give precedence to urgent business or guest speakers.
- 2.4.3 Should any unforeseen circumstances arise, the Chair is empowered to change the date of the regular meeting.

### **3. Declaration of Interest**

- 3.1 Declaration of Interest should be an early agenda item at Community Council meetings.
- 3.2 Community Council members are asked to consider whether they have an interest to declare in relation to any agenda item at each Community Council meeting. Any member making a declaration of interest should indicate whether it is a financial, non-financial or personal interest and include some information on the nature of the interest. Any member having made such a declaration of interest shall ensure they thereafter refrain from acting in any way contrary to the Code of Conduct comprising Schedule 5 of the Shetland Islands Council Community Council Scheme 2025 from time to time in force (hereinafter the "Code of Conduct"). Advice may be requested from Shetland Islands Council (hereinafter the "Local Authority") prior to the meeting taking place. Declarations of Interest can also be made during the meeting, at the time an item is to be discussed.
- 3.3 The Clerk shall only minute the declarations of interest made by those persons present at the meeting. It is the responsibility of each individual to declare an interest each and every time it is relevant. No one can enter a declaration of interest on behalf of another person at the meeting.
- 3.4 Any member declaring an interest shall leave the meeting and not return until the item in question has been discussed in full and concluded.

### **4. Quorum**

- 4.1 One third of the members of the Community Council shall constitute a quorum for any meeting of the Community Council. No meeting shall have less than three members present. If a quorum is not present, the meeting will be adjourned to another time on the same day, or to another date and time as the person presiding may decide then or afterwards. Members with voting rights attending by remote participation are included for the purposes of a quorum.
- 4.2 No business may be considered at a meeting of the Community Council unless a quorum is present.

#### **What happens if there is no quorum?**

- 4.3 If, ten minutes after the time set for the start of a meeting of the Community Council, a quorum is not present, the meeting will be abandoned and the Clerk will record that no business was considered because there was no quorum.



- 4.4 If at any time during a meeting there is a question about whether or not there is a quorum, the person presiding will, after allowing an interval of five minutes, ask the Clerk to count the number of Members present. If a quorum is not present, the meeting will be adjourned to another time on the same day, or to another date and time as the person presiding may decide then or afterwards.

## **5. Adjournment**

- 5.1 The Chair may adjourn any meeting of the Community Council for a reasonable interval or to another date if they decide there is a good reason to do so.

## **6. Powers and Duties of the Chair**

- 6.1 The Chair shall be responsible for controlling proceedings at Community Council meetings. The Chair will decide all matters of order, competency, relevancy, urgency and that ruling will be final.
- 6.2 If the Chair is absent, the Vice Chair shall conduct the meeting and perform the role of Chair. If the Chair and Vice Chair are both absent, a Chair will be selected from the eligible Community Council members in attendance.
- 6.3 At all times, members of the Community Council will respect the authority of the Chair. If the Chair speaks, any member of the Community Council will stop.
- 6.4 The Chair's duty is to preserve order at meetings and ensure that Community Council members are given a fair hearing by the Community Council. If two or more members try to speak at the same time, the Chair will decide who is to speak first.

### **What might happen if a Community Councillor misbehaves?**

- 6.5 All Community Council members will adhere to the Code of Conduct.
- 6.6 If a member persistently misbehaves regarding the rulings by the Chair, or behaves improperly or offensively, or is otherwise in breach of the Code of Conduct, or wilfully obstructs the business of the Community Council, the Chair may take the following courses of action sequentially:
- Warn the member about his/her behaviour
  - Tell the member not to speak for the remainder of the business item being discussed
  - Move that the Community Councillor will not be allowed to speak again during the meeting. The motion does not require to be seconded, and will be decided without discussion; if the motion is carried the Community Councillor will not speak again during that meeting
  - Move that the Community Councillor be suspended for the remainder of the meeting. The motion does not require to be seconded, and will be decided without discussion; if the motion is carried the Community Councillor will leave the meeting immediately
  - Adjourn the meeting for a short time as feels reasonable to the Chair in the circumstances

- 6.7 If there is disorder at any meeting of the Community Council, the Chair is entitled to adjourn the meeting to another time on the same day, or to another date and time as he/she decide then or afterwards, and leaving the Chair in these circumstances will mean that the meeting is adjourned immediately.

## Public Attendance

### Public Notice

- 7.1 By means of an advertisement, public notice will be given by the Clerk for meetings of the Community Council at least five days before the date of the meeting. Copies of the agenda and meeting papers will be displayed in a prominent place in the Community Council area and/or online.

### Public participation

- 7.2 Except by resolution of the Community Council, all meetings of the Community Council and of its committees and sub-committees shall be open to members of the public. Only with the permission of the Chair shall members of the public have a right to speak at those meetings. This permission shall not be unreasonably withheld.
- 7.3 The Community Council and its committees and sub-committees may **by resolution** agree:
- (c) to exclude the public for any items of business of a private or confidential nature or when in the opinion of the Community Council it would be in the community interest to do so; or
  - (d) to exclude the public where, for practical, technological, legal or public health reasons, remote attendance by the general public is not possible or permitted.

In such circumstances, and for the duration of consideration of such an item, the public will be excluded from the meeting.

### Petitions

- 7.4 Petitions, bearing the signature of not less than twenty members of the public who are ordinarily resident in the Community Council area which proposes that the Community Council considers a particular course of action on any competent matter, will be received by the Community Council. Petitions should be lodged with the Clerk no later than 10 days before the date of the meeting concerned, but the Chair may at their discretion allow a petition to be received at shorter notice but not less than 2 full days prior to the meeting.

## Deputations

- 7.5 The Community Council may hear a deputation of not more than three persons on behalf of an organisation or group, including the organisers of a petition, on any competent matter. The application for a deputation must be in writing, signed by a representative of the organisation or group wishing to be heard and setting out the matter on which they wish to be heard and delivered to the Clerk no later than 10 days before the meeting concerned; but the Chair may, at his/her sole discretion, allow an application to be considered at shorter notice.
- 7.6 A deputation will have up to 10 minutes to present its case, followed by a period of no longer than 10 minutes for Community Council members' questions. Where the deputation is about a matter which is not otherwise included on the agenda for the meeting, having heard the deputation, the Community Council will determine one of two courses of action –
- (a) whether to note what the deputation had to say, or
  - (b) whether to add to the agenda of the next meeting of the Community Council to allow more information to be gathered.

## 8. Rules for discussion, voting and decision making

- 8.1 It is the duty of all Community Council members to ensure they have all of the information they require in order to reach an informed decision on any item of business. Accordingly, in addition to the papers which have been issued to members, prior to any debate on a given item, the Chair will endeavour to:
- (a) afford an opportunity to the relevant person or author of a report to provide any further information or brief explanation as they may feel is necessary; and
  - (b) afford a reasonable opportunity to any member to ask questions in order to seek further information or explanation.
- 8.2 Preliminary discussion is allowed, out of which a clear consensus may emerge. However it is open to the Chair at any time during that discussion to give warning that they require any motion or amendments to be placed before them or the discussion will be brought to a close. It is a matter for the Chair to decide at what point they may accept a motion to put to the meeting for formal debate.

## Voting

- 8.3 Any voting required shall be decided by simple majority of those present and entitled to vote. A vote shall be taken by a show of hands by those eligible to vote.
- 8.4 Only elected Community Councillors or co-opted Community Councillors with voting rights are entitled to vote.

### **What happens if votes are equal?**

- 8.5 In the case of equity of votes the Chair shall exercise his or her second or casting vote.

## **9. Minutes and administration**

### **9.1 Minutes**

- 9.1.1 The minute shall be taken by the Clerk and should be presented in a clear house style with a clear heading containing the status of the meeting, the place and the date.
- 9.1.2 The minute shall contain a record of those attending and of those submitting apologies for non-attendance.
- 9.1.3 Each item should contain a heading clearly indicating what the item is about, a brief narrative summarising what took place and the decision. For some routine items, such as planning applications, a narrative will not be necessary.
- 9.1.4 Only members of the Community Council who were present at the meeting to which the minutes relate may vote on the correctness of the minutes.
- 9.1.5 Any amendments required to the minutes by the Community Council should be recorded in the minutes of the meeting making the changes.
- 9.1.6 The Clerk shall forward minutes to the Local Authority for filing and publication on the Local Authority's website.

### **9.2 Administration – Delegated Authority**

- 9.2.1 The Chair is authorised to take decisions or respond to matters of urgency on behalf of the Community Council in between Community Council meetings.
- 9.2.2 The Council can provide advice when there is a need for the Chair to make a decision urgently. Any such decisions or responses made under delegated authority shall be reported to the next ordinary meeting of the Community Council for information.

ENDS

Schedule 5



Community Council Scheme 2025

**COMMUNITY COUNCIL  
CODE OF CONDUCT**

This Code of Conduct was adopted at a meeting of «CCName» Community Council held on:

Date \_\_\_\_\_

\_\_\_\_\_  
(Signed) Chair, «CCName» Community Council

## 1. INTRODUCTION

This Code of Conduct is designed to guide the conduct, attitudes and behaviour of Community Councillors and applies to all members of the Community Council. Everyone must be treated equally with dignity and respect, and not be discriminated against in any way regardless of race, age, gender, religion, marital status or disability.

Community Council meetings are held in public and therefore Community Councillors have a responsibility to conduct themselves in a proper manner at all times throughout the duration of Community Council meetings. All members of the Community Council are required to be familiar with this Code of Conduct, and that your actions confirm with the principles set out below.

This Code of Conduct is underpinned by the nine key principles of public life in Scotland. You should ensure that you always have regard to, and follow, these key principles. You should not persuade others to act in a way that would be contrary to the key principles. The key principles are set out as follows:

- Duty
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

### **Duty**

As a Community Councillor you have a duty to act in the best interests of the local community for which you have been elected or co-opted to serve and represent. You have a duty to uphold the law and to act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the Community Council and the communities served by it, and a duty to be accessible to the people of the area for which you have been elected or co-opted to service and to represent their interests conscientiously.

You also have a duty to act in accordance with the Shetland Islands Council's Community Council Scheme of Establishment, as set out by Shetland Islands Council (hereinafter the "Local Authority") under the terms of the Local Government (Scotland) Act 1973 as well as any other relevant policies or procedures pertaining from time to time applicable.

### **Selflessness**

You have a duty to take decisions purely in terms of the public interest and community that you represent. You must not use your position in order to gain financial, material, political or other personal benefit for yourself, family or friends.

### **Integrity**

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare an interest and withdraw from discussions and any decision making process with regards to that matter.

### **Objectivity**

In all decision making and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking into account information which is provided to you or is publicly available, assessing it on its merits and gathering information as appropriate to reach an informed decision, whilst setting aside personal opinions or preferences.

Community Councillors are free to have political and/or religious affiliations; however you must ensure that you represent the interest of your community and Community Council, and not the interests of a particular political party or other group.

If appointed or nominated by the Community Council to serve as a member of another representative body you should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

### **Accountability and Stewardship**

You are accountable for the decisions and the actions that you take on behalf of the community through the Community Council. You must ensure that the Community Council use its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that annual accounts and an annual report is produced that sets out the financial undertakings and achievements of the Community Council. Community Councillors must also ensure that all resources are used efficiently, effectively and fairly, and are used solely for the purposes of Community Council business and no other purpose.

### **Openness**

You have a duty to be open and transparent about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views/opinions of others.

If you have dealings with the media or members of the public, including through social media channels or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

### **Honesty**

You have a duty to act honestly. You have an obligation to work within the law at all times. You must declare any private interests relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

### **Leadership**

You have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in conducting public business and representing the views and needs of the local area.

You should act to assist the Community Council, as far as possible, in the interests of the whole community that it serves.

### **Respect**

You must respect all other fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person you have dealings with in your capacity as a Community Councillor, regardless of their position.

## **2. CONDUCT AT MEETINGS**

You are accountable for your own conduct at all times in terms of the Code, irrespective of the conduct of others. Abusive or offensive language and/or unnecessarily disruptive behaviour should not be tolerated. During the course of a meeting, the Chair has the right to rule on and to take appropriate action as necessary, on the acceptability of conduct, and any language used and comments made. This can include requiring the withdrawal of a remark, asking for an apology, or any other action deemed necessary to allow the meeting to proceed properly. Factors you should consider include whether:

- your behaviour, including your body language, is courteous and respectful (even when you hold a different view to that of other participants);
- you are treating others with courtesy, respect and consideration;
- your choice of language in meetings is appropriate and meets the high standards expected by the general public;
- it is appropriate to refer to other Councillors by nicknames or to refer to them in the second person, by using terms such as 'you';
- newspapers, mobile phones, laptops and other devices are being used appropriately or whether their usage could be perceived as you not being engaged in the meeting or listening to what others are saying; and
- your conduct could diminish the public's opinion of, and trust and confidence in, its Community Councillors.

## **3. DECLARATIONS OF INTEREST**

A fundamental obligation of the Code is the requirement for Community Councillors to declare certain interests. The rules regarding declaration of interest are intended to ensure transparency and openness in regards to interests which might influence, or be thought to influence your actions as a Community Councillor.

In the event that you declare an interest during a Community Council meeting then you **must** withdraw from the meeting until the discussion of, and voting on, the relevant item of business has been concluded.



If you are in any doubt about whether you can take part in such decisions, you should apply the “objective test” to that connection to decide whether it amounts to an interest that requires to be declared. The “objective test” assumes that a member of the public has knowledge of the relevant facts.

The question you need to consider is whether a member of the public, with this knowledge, would reasonably regard the interest as so significant that it would be likely to prejudice your discussion or decision making in your role as a Community Councillor. If the answer is yes, the connection is deemed to be an interest which you should declare.

Declaring an interest is solely the responsibility of each individual. If in any doubt about the implications of your involvement in a Community Council discussion or decision, you should seek prior advice from the Local Authority.

### Financial Matters

You must declare, if it is known to you, **ANY FINANCIAL INTEREST** in any grant award, proposed grant award or other financial matter, at a meeting of the Community Council where this matter is the subject of consideration. **YOU MUST** retire from the meeting during discussion and determination of this item. You must also declare, if it is known to you, **ANY FINANCIAL INTEREST** relating to:

- a spouse, a civil partner or a co-habitee;
- a close relative, close friend or close associate;
- an employer or a partner in a firm or partnership;
- a body of which you are a remunerated member or director.

The above list of examples is not exhaustive. If there is any doubt about declaring an interest you must make advance contact with the Local Authority to seek advice.

### Non-Financial Matters

If you have a non-financial 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 unless the interest is so remote or insignificant that it could not reasonably be taken to fall within the objective test. In considering this, you should have regard to the following criteria:

- 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
- 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 present or more than the generality of other persons present who may be affected by the matter.

As a Community Councillor you may serve on other bodies as a result of express nomination or appointment by your Community Council. Your membership on other bodies does not necessarily raise any issue of declaration of interest in regards to Community Council business.

In relation to service on the boards and/or management committees of limited liability companies, public bodies, societies and other organisations, you must decide, in the particular circumstances surrounding any matter whether or not to declare a non-financial interest. You should declare an interest unless you believe that, in the particular circumstances, the interest is too remote or without significance taking into consideration whether the objective test applies to the interest.

#### **4. PLANNING AND LICENCE APPLICATIONS**

As a Community Councillor you will have to consider and provide consultation responses to planning and licensing applications. It is your duty to ensure that development responses are properly taken and that the parties involved are dealt with fairly. The final decision on such planning and licensing applications will be the responsibility of the consulting body.

If you have an interest, whether financial, non-financial or personal, in the outcome of a decision on a planning or licence application, you must disclose that interest and withdraw from the meeting during discussion and determination of this matter.

#### **5. GIFTS AND HOSPITALITY**

In your role as a Councillor, you should never ask for or seek any gifts or hospitality which could give rise to a reasonable suspicion of influence on your part to show favour or disadvantage to any individual or organisation. The exception to this is:

- Isolated gifts of a very trivial level such as a pen, notepad, diary or calendar; or
- Normal hospitality associated with Community Council duties such as a cup of tea or coffee at a local event

If you are in any doubt about accepting a gift or hospitality then apply the “objective test” to that proposed gift or hospitality. You should consider whether an informed member of the public may reasonably conclude your acceptance of that proposed gift or hospitality might lead to your being influenced in your judgement on matters.

You should also consider whether you have been given the gift or hospitality if you were not a Community Councillor. In doing so, you should think not just of your own perception, but also the perception of others.

#### **6. CONFIDENTIALITY**

General proceedings and printed materials such as meeting minutes are open to the public. However there may be times when you will be required to treat certain discussions, documents and other information in a confidential manner.

#### **7. DEALINGS WITH SHETLAND ISLANDS COUNCIL**

If you have dealings with Shetland Islands Council on a personal level, you must not seek preferential treatment for yourself, your family, friends, colleagues or employees because of your position as a Community Councillor. You should also avoid placing yourself in a position that could lead the public to reasonably believe you are receiving such preferential treatment.

## **8. APPOINTMENTS TO OTHER BODIES**

You may be appointed or nominated by the Community Council to a partner organisation or body. If so, you will be bound by the rules of conduct of these organisations and must also continue to observe the rules of this Code in carrying out the duties of that body.

If you are appointed to represent the Association of Shetland Community Councils as a member of another body or organisation, it is your duty to promote the views of all Community Councils represented by the Association of Shetland Community Councils.

## **9. BREACHES OF THE CODE**

Any breach of the Community Council Code of Conduct may be reported to the Local Authority to determine what action or sanctions, if necessary, should be taken.

## **10. CONCLUSION**

It is the responsibility of each Community Councillor to adhere to the rules and principles of this Code of Conduct. Community Councils are a position of public office, so all Community Councillors are expected to conduct themselves in an appropriate manner.

Community Councillors are required to work together in order to best serve the interests of the communities they represent. Therefore it is incumbent on each Community Councillor to treat their fellow Community Council members with respect and dignity, even if the odd occasion might arise where they have differing opinions on a matter of business. Your conduct, and what the general public believes about your conduct, will affect the reputation of your Community Council.

If you have any doubt about how to apply this Code of Conduct, you should seek advice from the Local Authority, as follows:

Shetland Islands Council  
Community Council Liaison Officer  
Community Planning & Development Service  
3 North Ness  
Lerwick  
Shetland  
ZE1 0NN

Tel. 01595 743828

Schedule 6



**SHETLAND COMMUNITY COUNCIL  
MEMBERSHIP AND ELECTION RULES**

## Returning Officer

- 1.1 The Returning Officer for the Shetland Islands Areas, as appointed by the Shetland Islands Council (hereinafter the “Local Authority”), will administer all Community Council elections and by-elections in Shetland.

## Equalities

- 2.1 The Equality Act 2010 makes it unlawful to discriminate against persons or groups on the grounds of the protected characteristics of race, sex, gender recognition, disability, age, sexual orientation, marriage and civil partnership, pregnancy and maternity, and religion or belief.
- 2.2 Recognition should be given to the contribution of everyone participating in the work of the Community Council. Community Councils must comply with equal opportunities legislation and should recognise and value diversity in their membership and in their communities, ensuring that equality of opportunity be given to every resident to have their knowledge, opinion, skill and experience taken into account.

## Community Council Membership Eligibility

- 3.1 Elected or co-opted members of a Community Council must be registered on the Local Government Electoral Register for that area. This includes 16 and 17 year-olds named on the Local Government Electoral Register for that area. The same criteria shall apply to voters in a Community Council election.
- 3.2 Any individual who is elected to serve on the Local Authority, the Scottish, or UK Parliaments or Scottish Youth Parliament shall be ineligible to remain a Community Councillor, or to stand for election or be co-opted as a voting member of a Community Council. Such persons, upon taking office, become *ex-officio* members of the Community Councils contained in whole or in part of their electoral constituency.

## Disqualification of Membership

- 4.1 Membership of a Community Council is invalidated should a Community Councillor’s electoral registration within that Community Council area cease to exist.
- 4.2 If any member of a Community Council fails to attend any Community Council meeting, with or without submitting apologies, throughout a period of six months, the Community Council may terminate their membership. At the discretion of individual Community Councils, a period of leave of absence for Community Council members may be granted at any meeting of the Community Council.

## Electoral Register

- 5.1 The most up to date local government electoral register for the Community Council area will be produced by the Electoral Registration Officer and obtained by the Returning Officer and used for the purpose of the election or by-election. All persons who are 16 years of age or over, and whose names appear on the local government Electoral Register for the same Community Council boundary area shall be entitled to vote in or be a candidate for Community Council elections.

## Term of Office and Election Timetable

- 6.1 The term of office of a Community Council shall be four years.
- 6.2 A general election of all Community Council members will be held on a four-yearly-cycle on a date and to a timetable determined by the Returning Officer, in accordance with these Rules, in consultation with the Local Authority, Community Councils and the Electoral Registration Officer for the Shetland Islands Area.

## Notice of Election

- 7.1 A Notice of Election will be prepared by the Returning Officer and will arrange for public notice to be made. Copies of such Notices will also be issued to Community Councils for display in their locality.

## Nomination Forms

- 8.1 Nomination forms will be prepared by the Returning Officer and issued to Community Council Clerks who may distribute them to candidates. Clerks may also receive completed forms, but they must be forwarded to the Returning Officer for validation as soon as possible, and no later than the date and time for the close of nominations. Scanned and e-mail or faxed copies of completed nomination forms are acceptable, provided the forms are signed, and the original signed form follows in the mail.

## Withdrawal of Nomination

- 9.1 Withdrawal of a nomination will be permitted, provided the nominee gives notice in writing to the Returning Officer by the closing date/time for receipt of nominations.

## Uncontested Elections

On the expiry of the period for lodging nominations:

- 10.1 Should the number of candidates validly nominated equal or exceed **ONE THIRD**, but be less than or equal to the total maximum permitted membership as specified for the Community Council area, the said candidates will be declared to be elected and no ballot shall be held.
- 10.2 Following the closing date, the Returning Officer will advise the candidate that they have been duly elected. The Returning Officer will arrange for public notice to be made. Copies of such Notices will also be issued to Community Councils for display in their locality.
- 10.3 Should the number of candidates elected be below **ONE THIRD** of the total maximum permitted membership, as specified for the Community Council area, no Community Council will be established at that time. However, that does not preclude the local authority from issuing a second call for nominations for a Community Council area failing to meet the minimum membership requirement within six months of the closing date for the registration of the first call for nominations.

## Contested Elections

- 11.1 Should the number of candidates validly nominated exceed the total maximum permitted membership as specified for the Community Council area, arrangements for a poll shall be implemented. At the poll, each voter shall be entitled to vote for candidates up to the number of vacancies on the Community Council.
- 11.2 The Returning Officer will arrange for public notice to be made. Copies of such Notices will also be issued to Community Councils for display in their locality.
- 11.3 Members shall be chosen by secret ballot, cast by postal vote. Those eligible to vote will be all persons whose names are on the current local government electoral register for the Community Council area.
- 11.4 The Returning Officer will arrange the printing and distribution of ballot papers and accompanying documentation.
- 11.5 Distribution will be made in accordance with that part of the local government electoral register relevant to the Community Council area concerned, and that which was current on the date of publication of the Notice of Election.
- 11.6 Community Council elections will cover the whole of Community Council area, and will **NOT** be conducted on a ward basis.

## Count and Announcement of Results

- 12.1 The Returning Officer will make the necessary arrangements for the conduct of the count. Following announcement, the Returning Officer will arrange for the candidates and Community Councils to be informed of the result. The Returning Officer will arrange for public notice to be made. Copies of such Notices will also be issued to Community Councils for display in their locality.

## Filling of casual places/vacancies between elections

- 13.1 A member of the Community Council may resign at any time by giving notice in writing to the Clerk to the Community Council
- 13.2 A vacancy shall be deemed to be required in the elected membership of the Community Council, on the:
- Failure to elect at a general election
  - death of a member;
  - resignation of a member;
  - When an elected or co-opted voting member of a Community Council fails to attend a meeting for 6 calendar months from the date of the last meeting they attended and the Community Council decides to terminate their membership; or
  - removal of an elected member from the electoral register applicable to the Community Council area.

- 13.3 Should a vacancy arise in the **core** membership of the Community Council during the term of office, it shall be a requirement that the Community Council undertake appropriate arrangements to fill such vacancies, in consultation with the Local Authority. **Core** members are elected or co-opted members with full voting rights.
- 13.4 Filling a vacancy can be undertaken either through the process of a by-election undertaken by the Returning Officer **OR** the Community Council shall be empowered to co-opt members to fill such vacancies remaining.
- 13.5 However, should circumstances arise that lead to the number of elected Community Councillors falling below **ONE THIRD** of the maximum permitted membership, the local authority shall be informed and shall undertake arrangements for a by-election to be held, as described within these Rules.

### By-election

- 14.1 Any by-election shall be held in accordance with the provisions for the timetabling, nomination, notification and count processes for elections, as set out in these Rules.
- 14.2 A by-election shall not be held for any vacancies that occur within six months of the last day of the current four year term of office of the Community Council.
- 14.3 Following a failure to elect at any by-election, the Community Council must proceed to co-opt a member, in accordance with these Rules.

### Co-option

- 15.1 Co-opted members may be elected to fill vacancies in the core elected membership of a Community Council. Co-opted members must be eligible for membership of the Community Council as detailed in these Rules. They must be elected onto the Community Council by a two-thirds majority of the elected Community Councillors present and voting. Such co-opted members shall have full voting rights, with the exception of voting on co-option of members, and will serve until the next general election.
- 15.2 Notice of any proposed co-option procedure is required to be intimated to all of that Community Council's members at least 14 days prior to the meeting when the matter will be decided.
- 15.3 Community Councils must inform the Returning Officer within 14 days of the co-option being decided, using the prescribed form.
- 15.4 The number of co-opted members may not exceed a **THIRD** of the current elected Community Council membership, or if the Community Council has a membership of less than nine, the number shall be three. Should the ratio of co-opted to elected Community Councillors become greater than one third, due to any circumstances, an election process shall be triggered.



## **Additional Membership Appointments**

### **Youth Members**

- 16.1 Each Community Council may appoint two youth members between the ages of 12 to 16. Youth members must reside within the Community Council area. These individuals do not have voting rights. Youth members may serve for a fixed period as determined by the Community Council or for the term of office of the Community Council that has appointed them.

### **Associate Members**

- 16.2 Associate members may be appointed by a Community Council where there may be a need for individuals with particular skills or knowledge. These individuals do not have voting rights. Associate members may serve for a fixed period as determined by the Community Council or for the term of office of the Community Council that has appointed them. Associate members may also include representation from other constituted local voluntary organisations. Associate members are not required to be residents of the Community Council area, but must be a minimum of age 16 on the day of their appointment.

### **Ex-Officio Members**

- 16.3 Local Authority Councillors, MPs, MSPs and MSYPs whose wards or constituencies fall wholly or partly within the geographical area of the Community Council area shall be deemed ex-officio members of the Community Council. Ex-officio members shall have no voting rights on the Community Council.
- 16.4 Community Councils must inform the Returning Officer within 14 days of additional members being appointed, using the prescribed form.

## **Amendments to the Rules**

- 17.1 Formal approval by the Local Authority shall be required for all amendments to these Rules, following appropriate consultation with Community Councils and the Returning Officer.

END



### Material Changes Proposed in the Draft Scheme

Issue	Proposal
<p>Additional bureaucracy involved for Local Authority and Community Councils by having to access funding from two grant schemes – Community Council Core Funding and Community Development Fund</p> <p>Also the existing Community Council core funding is based on a funding formula developed in the 1990s that is in need of updating</p>	<p>Draft scheme proposes that the existing Community Council Core funding scheme and Community Development Fund be merged into one new grant scheme. Criteria to be revised to provide more flexibility for Community Councils</p> <p>Draft scheme proposes that the funding formula will be based on a fixed allocation for administration costs, with the remainder of funding linked to population levels</p> <p>See Scheme of Establishment, Section 8</p>
<p>Community Councils can have seats occupied by individuals who do not attend Community Council meetings for long periods of time</p>	<p>Draft Scheme provides for this situation.</p> <p>Any member of a Community Council that fails to attend any Community Council meeting throughout a period of 6 months may have their membership terminated by the Community Council. At the discretion of Community Councils, a period of leave of absence for Community Council members may be granted at any meeting of the Community Council.</p> <p>See Schedule 1, Section 4</p>
<p>Community Council membership numbers have little correlation to current population levels.</p>	<p>Draft scheme proposes introducing population bands which will bring an element of consistency to the number of seats per Community Council.</p> <p>Going forward, membership numbers will be checked and updated where necessary after each census.</p> <p>See Schedule 2</p>
<p>The current scheme does not have a set of standing orders</p>	<p>Draft scheme proposes to introduce a set of Community Council Standing Orders which will ensure Community Council meetings are conducted appropriately</p> <p>See Schedule 4</p>

<b>Issue</b>	<b>Proposal</b>
Existing Code of Conduct lacks detail in certain aspects and is in need of updating	<p>Draft scheme proposes to introduce a revised Code of Conduct which will guide the conduct, attitudes and behaviour of Community Councillors</p> <p>See Schedule 5</p>
Community Councillors who are also Elected Members for Shetland Islands Council regularly experience conflict of interests during Community Council meetings	<p>Draft scheme proposes to fix this situation from arising in future.</p> <p>Any individual who is elected to serve on the Shetland Islands Council, or the Scottish, UK or Youth Parliaments shall be ineligible to stand for election or be co-opted as a voting member of a Community Council.</p> <p>See Schedule 6, Section 3</p>
<p>There is currently a lack of young people participating as members of their local Community Council.</p> <p>The current scheme does not make any reference on the inclusion of young people in Community Council membership</p>	<p>Draft scheme proposes a new Youth Membership category for young people aged between 12-16 years of age. Community Councils may appoint two youth members, on the basis that they reside within the Community Council area. Youth members would not have voting rights</p> <p>See Schedule 6, Section 16</p>