



**2021 Guidance Notes for**  
*community councils in west lothian*



**West Lothian  
Council**

## WEST LoTHIAN COUNCIL

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## **SECTION 1 – LEGAL LIABILITY OF COMMUNITY COUNCILLORS**

It is important that community councillors are aware of their legal liabilities and these are explained in the section below. In addition, West Lothian Council is keen to support community councils in this and will happily provide legal advice and clarification.

### **Legal Status**

Community councils were created as part of the Local Government (Scotland) Act 1973 but their legal status is not defined anywhere in legislation. Although they are described as “statutory” they do not have any rights or protection as an organisation, in the same way as a local authority does.

This means that a community council is seen as a collection of individual elected community councillors. So if any liability is incurred by the community council, this can fall personally or collectively on the individual community councillors. It is in the same sort of position as a club or voluntary organisation.

In recognition of this situation, West Lothian Council arranges insurance to cover all community councils to provide basic cover for common risks. However, all community councils and individual community councillors in West Lothian should always conduct their business in a responsible fashion and be aware that their actions could have potential legal liabilities – both personal and collective.

It should be remembered that a community council can only act collectively. The law does not give individual community councillors any special place to act independently.

### **An illustration of risk and ways to avoid or reduce them**

A court case from 2009/10 shows the potential problems which can arise without giving proper consideration to risks and liabilities (Perman v Members of Largs Community Council).

A former Community Councillor sued the current members of the Community Council for payment of over £8,000.00. He claimed that he had loaned that money to the Community Council to allow it to investigate and pursue a legal issue relating to Common Good Assets. He asked the court to order the community council to pay the money back to him when it decided not to pursue the matter any further. He lost his case after the court had heard days of evidence. The claim was taken against the Community Councillors collectively, and not against the community council, since it had no standing as a separate legal body.

The court decided that there had been no loan made at all, and even if there had been a loan made then only those who were community councillors at the time would have been liable to pay it back.

Some of the lessons to be learned from the circumstances of the case and the Sheriff’s decision are as follows:-

- Liability of Community Councillors for the debts of the Community Council is personal and is shared amongst those who were incurred the debt. In that respect, Community Councillors are no different to members’ clubs or associations or societies.
- That personal liability covers only debts taken on while they are community councillors. They have no liability for debts incurred before or after they take up their positions.

- Minutes of meetings should record the whole proceedings. Business should not be deliberately omitted, so that there is a clear and proper record of the entire proceedings and decisions.
- If there are genuine reasons for not wishing business to be dealt with and recorded publicly, then business can be dealt with in private, subject to the terms of the relevant Scheme, Constitution, Standing orders and Code of Conduct.
- If a liability is to be taken on then the amount of money involved and the purpose should be clearly minuted.
- Important decisions cannot and should not be taken at informal meetings or unrecorded meetings amongst only some of the community councillors.
- If some authority is to be given to one or some Community Councillors to do something on behalf of the whole Community Council then that authority should be given at a Community Council meeting and it should be clearly recorded exactly what they are being authorised to do.
- Any action taken under that sort of authority should be reported back to a Community Council meeting and minuted.
- Treasurers should be scrupulous in the records they keep to ensure that all transactions are fully recorded and vouched.
- Treasurers and other office bearers should ensure that they are aware of the content of documents they sign, of the reason for money being received or spent, and should ensure that authority has been given by the Community Council for payments to be received and made.

### **Potential Development of Activities and Liabilities**

It is possible that Community Councils might wish to develop themselves further – for example, undertake projects, development work, become employers of staff, or take advantage of policies and developing legislation in relation to community empowerment. The Community Council could then be moving away from the statutory powers of community councils and the financial framework guaranteed by West Lothian Council. This may result in the community councillors moving into areas where they might be personally liable for different risks and liabilities. If developments of this nature are being considered, then community councils and community councillors should discuss these with West Lothian Council before proceeding, and even take independent legal advice.

The main community council objective of representing community views is clear, but the Act also makes provision for the possibility of action in the interests of the community. However, the power to take such action is not clear cut – so if a significant change of purpose is proposed, community councils should take the advice of West Lothian Council and clarify the legal circumstances before embarking on any activity.

### **Insurance Liability Cover**

A scheme of insurance liability cover has been arranged. The insurance cover becomes effective upon the local authority advising the insurance underwriter of the establishment of a community council.

The liability cover provided by community council insurance policies is linked to the original remit of community councils. However, it can be much wider and can be adapted to suit new activities as and when required. Examples include procuring equipment/buildings and holding community events.

West Lothian Council can provide community councils with advice and support in regards to the insurance requirements of their group needs. However, West Lothian Council cannot instruct changes with the insurers on a community council's behalf. In order to comply with GDPR with regards to personal data and to meet the regulatory requirements of the Financial Conduct Authority, the insurers will only take instruction to alter a policy from the insured party, i.e. the community council. This means that individual community councils have their own policy which can be altered by them in consultation with the insurers to suit the individual needs of their groups activities.

## **SECTION 2 - COMMUNITY COUNCIL GOVERNANCE STRUCTURE**

### **Introduction**

This governance structure has been developed in compliance with clause 10 of the Constitution. The standard requirements for governance being a statement of the responsibilities of committees and the rules and procedures for making recommendations, in a manner conducive to examination.

Clause 10 of the Constitution (Committees of the Community Council) states:

*The Community Council may appoint representatives to committees of the community council and shall determine their composition, terms of reference, duration, duties and powers.*

Committees can be both permanent standing groups of the Community Council and task orientated temporary groups charged with undertaking a specific assignment. Committees will use their best endeavours to submit a written report to community council members five days before the community council meeting.

### **Composition**

Committees will comprise not less than 4 members and include at least two members of the community council. A community council member may join any number of committees. The membership of committees will be approved by the community council and recorded in the Community council minutes.

In addition to members of the community council, committees may include:

- Ex-Officio Members (elected members of the local authority and members of the Scottish, United Kingdom and European parliaments),
- Associate Members (those appointed to the Community Council for a specific skill, knowledge or for specific projects/issues)
- Any other representative of a community group but not a member or associate member of the community council or a named member of the public or a consultant with relevant skills, knowledge and a willingness to participate in the committee in accordance with the Scheme and Constitution of the community council.

### **Terms of Reference, Structure, Purpose and Duties**

The terms of reference will be decided by the community council and recorded in the minutes. Each committee will decide its structure, purpose and scope of work; and any subsequent changes thereto, and present these for approval to a meeting of the community council. In deciding the scope of work, the committee must estimate the anticipated expenses of the committee and its members. A maximum budget will be agreed for each committee by the community council. No expenses shall be incurred without the prior approval of the community council.

### **Duration**

Committees may be permanent standing groups or task orientated temporary groups undertaking a project which has a commencement and completion date. The community council may form, rename, combine or discontinue a committee at any meeting.

### **Powers and responsibilities**

The following powers are conferred on committees:

- Committees will determine their own meeting regime
- Committees will provide minutes of each meeting
- Members of committees are not permitted to express an opinion or enter into formal communication with a person or organisation as a representative of that committee without the prior approval of the community council. Note: prior approval can be assumed where the proposed opinion or communication is circulated to all members of the community council and no dissent is received from any member within 4 days.

## SECTION 3 – APPOINTMENT OF ADDITIONAL MEMBERS

**Is the candidate aged over 16 and is he/she named on the electoral register for the area they wish to join?**



### **YES**

The community council can co-opt a candidate subject to the number of co-opted members not exceeding the current prescribed size.

Notice of the proposed co-option should be given to all members at least 14 days before the meeting when the matter will be discussed.

At least 2/3rds of the members present and voting must agree to the co-option. Co-opted members have full voting rights and will serve until the next round of elections.



### **NO**

To join a community council as a full member, candidates' names and addresses must appear in the electoral register. If they live in the area, they should arrange to register with the ERO without delay.

If they live outwith the area, do they have a particular skill or knowledge?

If so he/she can be appointed as an Associate Member. There is no limit on the number of associate members permitted on a community council. Associate members do not have voting rights and cannot hold office-bearers positions.



## **SECTION 4 - FILLING OF VACANCIES**

Casual vacancies on a community council may arise in the following circumstances:-

- When an elected community council member submits his/her resignation
- When an elected member ceases to be resident with the community council area
- When an elected member has his/her membership disqualified

Should a vacancy or vacancies arise on a community council between elections, it shall be a requirement that the community council undertake appropriate arrangements to fill the vacancy by co-option, in consultation with the local authority. However, should circumstances arise that lead to the number of elected community councillors falling below the minimum of 4 members, the local authority shall be informed, and shall offer advice and assistance for advertising for additional members as described within West Lothian Council's Community Council Guidance Notes.

Co-opted members must be eligible for membership of the community council as detailed in Section 5 of the Community Council Scheme. They must be proposed, seconded and 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 and will serve until the next round of elections. 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.

## **SECTION 5 - ROLE OF COMMUNITY COUNCILLORS**

As a community councillor, it is important that you recognise from the outset that you are required to play a role in your community. This means not simply offering your own views and opinions on local issues, or taking decisions that are based on your own self-interest.

The role of the community councillor is one that requires you to represent the view of your community, or your section of the community. In practice, this will involve discussing issues with people in the community to clarify their views and assess the strength of their feelings on different topics.

It is also a good idea to encourage people to bring issues to you so that you can take them up at community council meetings. Try to check out the facts, however, before taking matters to the community council, and if there are two sides to the story, make sure both of them are put forward. There is little point in taking up time at a meeting to discuss problems that are based simply on misunderstandings or misrepresentations of the facts.

At some point, it may be that you will find some conflict between your own personal view and interests and those of the community that you are representing. If such a situation arises, try to make sure that the views of the community take precedence. Experience shows that if the views of the individuals of the community council are allowed to take priority then the community will very quickly lose confidence in the community council and its work may subsequently be devalued.

In some instances, it may be necessary and appropriate to declare an interest in the matter under discussion and withdrawn from that debate and decision-making.

The task of any community council is to identify the needs and aspirations of its community and to take decisions that will lead to appropriate action in that community. At some point this might involve setting priorities on the competing or conflicting needs of different sections of the community.

Competition and conflict are normal in any community, so you shouldn't think of them as something that can be altogether avoided. What is important is that you approach competition or conflict in a fair and reasonable manner. This means taking a balanced view of your community's needs and aspirations and giving a fair hearing to representatives from different interest groups in your community. In particular, you should try to avoid being influenced by prejudice or bias, whether in the sphere of race, religion, gender or any other of the "labels" which get attached to people and local issues.

## **SECTION 6 - ROLE OF OFFICE BEARERS**

### **1. The Role of the Chair**

The Chair has perhaps the most important single role to play in ensuring that community council meetings run smoothly. However, even a good Chair will find the task exhausting unless all the members of the community council give the role appropriate respect and support.

The Chair is elected in accordance with the rules set out in the Scheme and the community council Constitution and Standing Orders.

The Chair's job is to make sure that decisions are taken on all of the items that are on the agenda. In practice, this usually means that the Chair will have to make judgements about how much time to allocate to each agenda item. It also means that he or she may occasionally have to bring speakers back to the agenda and generally encourage people to make their contributions brief and to the point.

In regular meetings, the role of the Chair is a formal one: all speakers will be expected to address their comments through the Chair. This helps the Chair to keep control of the discussion. In meetings, where proceedings need not be so formal, the Chair may be content to simply steer the general direction of discussion – this may be described as an enabling role. The extent to which a Chair adopts one or the other of these will be dependent upon the circumstances at a particular time or occasion. Some of the characteristics of these two approaches are set out below.

Most important of all, the Chair is expected to know the rules by which the community council functions and ensure that at all stages of its work, the community council is operating in accordance with any procedures that are set down. In this context, the Chair may be called upon to act as an arbiter when there is a disagreement about how the rules should be interpreted.

It is important to recognise that the Chair's role extends outwith the meeting itself. The Chair may be called upon to act on behalf of the community council between meetings, or to represent the community council in dealing with outside bodies. This role may also be delegated to the community council to other office bearers or members.

Very often, the Chair is seen as the official spokesperson for the community council and must be seen as authoritative and fair in all of their dealings with outside bodies, groups, individuals and the press.

## 2. Formal Role and Enabling Role

During meetings, the Chair can be described as having two main roles – formal and enabling. The following table details the various elements of these two roles:-

<b>THE FORMAL CHAIR</b>	<b>THE ENABLING CHAIR</b>
<b><i>General role and responsibilities</i></b>	
Ensure fair play	Have an overview of the ask/goals of the meeting
Stay in charge	Help to clarify goals
Remain neutral	Help the group to take responsibility for what it wants to accomplish and to carry out its tasks
Have little emotional investment	
<b><i>Agenda and timekeeping</i></b>	
Open the meeting	Run through the agenda at the beginning and get the meeting's approval for it
Introduce all agenda items	Arrange in advance for someone to introduce each agenda item
Be familiar with all agenda items	Update latecomers
Get through the agenda in allotted time	Keep track of the time
Evaluate how the meeting went	
<b><i>Discussion</i></b>	
Select speakers	Encourage and help all to participate
Summarise discussion	Encourage expression of various views
End discussion	Encourage people to keep to the subject
Ensure that people keep to the subject	Clarify and summarise discussion
Make it safe to share feelings	Suggest ways of handling conflict
<b><i>Decision making and voting</i></b>	
Ensure decisions are taken and agreed	Suggest structures for decision making
Decide when to and conduct the vote	Look for and test areas of agreement
<b><i>Tasks</i></b>	
Ensure someone will carry out decisions	Ensure that responsibility for action is allocated
<b><i>Rules</i></b>	
Check that the meeting has been called in accordance with the rules	
Have a thorough knowledge of the rules	
Rules on points of order and procedure	
<b><i>Outside the meeting</i></b>	
Act on behalf of the organisation	
Pursue decisions made in meetings	
Represent the Council to outside bodies	

### **3. Role of the Vice Chair**

The Vice Chair has no specific duties other than standing in for the Chair when he or she is unable to be present. The Vice Chair post can be a useful preparatory role for a future Chair, by shadowing the current Chair, supporting the Chair in their role, or taking over some of the Chair's workload when necessary or when asked to. This would be particularly applicable where the community council has appointed working groups to work on specific topics.

### **4. Role of the Treasurer**

The Treasurer is responsible for receipt and banking of the annual grant; issuing all cheques; and making payments on behalf of the community council.

The Treasurer must manage the bank account: account for all funds received, and ensure money is only spent in a manner which meets the objectives and approval of the community council and its members as recorded in the formal minutes.

The Treasurer must maintain the community council's financial records so that they disclose, with reasonable accuracy at any time, the financial position of the community council.

All cheques should be signed by at least 2 of the 3 persons authorised to act as signatories by the community council members. These appointments need to be recorded in the minutes and notified to the bank in writing. It is good practice to have more than two authorised signatories, in the event of someone being available at short notice. As a general rule, Treasurers should avoid paying out money except by cheque. This makes accounting for expenditure much easier.

The Treasurer must keep proper accounts of all receipts and expenditure and prepare an Annual Statement of Accounts. The annual accounts must be independently examined by a qualified accountant or by two examiners who are independent of the community council.

The annual accounts must be formally approved at the next AGM when the Treasurer must report and answer any questions raised by members or the public. Once approved, the accounts should then be sent to West Lothian Council to apply for the community council's annual grant paid. An example statement of accounts is provided overleaf.

# MODEL ACCOUNTS

.....COMMUNITY COUNCIL

**INCOME AND EXPENDITURE ACCOUNT FOR YEAR ENDING 31<sup>ST</sup> MARCH .....**

<b>INCOME</b>	<b>£'s</b>	<b>£'s</b>
Balance carried forward from previous year	100.00	
Bank Interest	10.01	
Annual Grant	250.00	
Special Project Grant	750.00	
Other Income (eg. fundraising)	50.00	£1160.01
<b>EXPENDITURE</b>	<b>£'s</b>	<b>£'s</b>
Auditors Fees	30.00	
Information Commissioner Annual Subscription	35.00	
Travel Expenses	22.50	
Office Bearer Expenses	100.00	
Administration costs (including postage, copying, stationery, etc.)	116.97	
Other expenditure	36.99	341.46
<b>CLOSING BALANCE</b>		<b>818.55</b>
Represented by		
Cash in Bank		748.55
Cash in Hand		70.00

**Prepared by .....** (Treasurer) **Date .....**

## **EITHER Auditor's Certificate (For Two Independent Examiners)**

We have examined the books and records of ..... Community Council for the period ..... to ..... and have found them to be in order.

Print Name .....

Signature ..... Date .....

Print Name .....

Signature ..... Date .....

**OR Auditor’s Certificate (For Qualified Chartered Accountant)**

I have examined the books and records of ..... Community Council for the period ..... to ..... and have found them to be in order.

Print Name .....

Signature ..... Date .....  
(Certified Accountant)

**Declaration by the Chair**

I confirm that these accounts have been approved at the annual general meeting of ..... Community Council held on .....

Signature ..... Date .....

**5. Role of the Secretary**

The Secretary is responsible for:

- Compiling the agenda for meetings (in conjunction with the Chair)
- Distributing minutes in advance of meetings
- Taking minutes of meetings, or delegating this to a dedicated Minute Secretary
- Copying and distributing minutes in advance of the next meeting, by post or email
- Posting up to date agendas and minutes of meetings in public places or via online platforms such as websites, social media, etc.
- Answering any correspondence, as agreed by the community council
- Circulating a correspondence list to members along with the agenda
- Public relations, dealing with the media (some community councils delegate this role to the chair or a dedicated media representative)
- Arranging the venue for meetings
- Liaison with officials of the local authority

To be successful, a community council must have an energetic and conscientious Secretary prepared to put in the necessary time and effort. It is more than desirable for all members, but especially the Chair, to spread the Secretary’s load, for instance, delegating some of his or her responsibilities for specific areas to other members, i.e. transport, education, health, etc.

It is bad policy to overload your Secretary – you might find difficulty getting volunteers!

It should be considered essential that the Secretary has the necessary skills and capacity to fulfil their responsibilities, e.g. access to computer, knowledge of IT and familiar in the use of emails and the internet.

## **6. Role of the Planning Secretary**

A weekly list of planning applications is provided by West Lothian Council. The Planning Secretary should assess whether any of the planning applications listed for its area raises issues of local interest. They should also check planning applications in adjacent wards in case they have an impact on their area. It is unlikely that householder applications will raise issues of genuine community interest.

Planning Secretaries must not submit comments or objections on any application without the prior approval of the community council or any committees set up to deal with planning applications on behalf of the community council.

Further details on planning are provided on below.



## **SECTION 7 – CONTROL OF FINANCE**

The financial year of each community council shall be provided for in the constitution of each community council and shall be from 1<sup>st</sup> April to 31<sup>st</sup> March.

The local authority provides the annual grant to community councils to assist with the operating costs of the community council. The level of annual grant shall be as set by West Lothian Council. Community councils set up mid-way through the financial year will receive the remaining proportion of the annual grant.

The annual accounts of each community council shall be independently examined by a qualified accountant or by two examiners appointed by the community council, who are not members of that community council and who have no connection with the community council

The annual grant will be paid upon receipt of the previous year's audited accounts following inspection of the accounts by the council's Financial Management Unit.

All expenditure should normally be approved in advance by the community council and such approval recorded in the minutes. In case of urgent need, with the approval of all the office-bearers, expenditure may be authorised in between meetings, but must be confirmed as approved at the next meeting of the community council.

In any financial year, community councils should not donate more than 1/3<sup>rd</sup> of their annual grant from West Lothian Council. The award of donations from a community council annual grant to constituted groups is entirely at their discretion. Community councils should ensure that any donations are awarded are to properly constituted groups which will be of benefit within the geographical boundary of the community council area.

## **SECTION 8 – COMMUNITY COUNCILS AND PLANNING**

### **1. Introduction**

This guidance note has been produced to help community councils understand how the planning system works and their role within it.

Since 1996, community councils have had the right to be consulted on applications for planning permission. PAN 47 sets out the roles and responsibilities. The advice note is available on the Scottish Government's website using the following link:-

<http://www.scotland.gov.uk/Publications/1996/03/18415/28371>

In 2007, the Scottish Executive issued advice to planning authorities and developers on how communities should be properly engaged in the planning process. PAN 81 shows how everyone can take part in shaping the future of their area by providing advice on how best to listen, engagement and understanding what people want for their area. The advice note can be found on the Scottish Government's website

### **2. How to find out about planning applications**

The council produces a weekly list of planning applications. The list can be found on the council's website <https://planning.westlothian.gov.uk/publicaccess/>

### **3. Role of the Planning Secretary**

Upon receiving the weekly list, the planning secretary should assess whether any of the planning applications listed in its area raises issues of local interest. They should then decide whether to be a formal consultee or simply make a representation. The date comments must be submitted by is published in the weekly list.

It is recommended that the planning secretary should also check planning applications in adjacent areas in case they may have an impact in their own area.

### **4. The Planning Portal**

The West Lothian Council planning portal gives full access to planning applications from 2003 onwards. Decisions on applications from 1992-2003 can also be found on the portal. Applications can be found by searching for street names, by application number or by postcode. Alternatively, the applications can be viewed by week or month.

### **5. Planning Proposals and Applications**

Since planning reform took effect in 2009 there has been a greater role for community councils and community engagement in the planning system. This includes early and broad based engagement when preparing planning policies and major development proposals.

The National Planning Framework sets out the Scottish Government's broad proposals for the future land use planning of Scotland

The current version NPF3 was placed before Scottish Parliament in June 2014. NPF3 sets out the government's development priorities over the next 20-30 years which support the development strategy with a focus on supporting sustainable economic growth and the transition to a local carbon economy. It includes 14 national programmes to deliver the strategy.

Proposals contained in the National Planning Framework are termed 'national developments'. Below national developments in the planning hierarchy are major developments. There are 9 classes of major developments in the hierarchy. For example, 50 or more houses or the development of a site over 2 hectares in size are major developments.

For national and major developments, design and access statements may have to be submitted and there may be additional scrutiny deciding the application, such as a pre-determination hearing and consideration by the full council.

All other development proposals are classified as local developments.

The council also receives applications for works affecting listed buildings, advertisements, conservation areas and the storage of hazardous substances.

## **6. Pre-Application Consultation**

Developers are now required to undertake mandatory pre-application consultation for all national and major developments. Pre-application consultation allows communities to be better informed and to have an opportunity to contribute their views to the developer before a planning application is submitted.

There is no requirement to undertake formal pre-application consultation for local developments but determining community views on the proposed development at an early stage is often a good idea.

## **7. Proposal of Application Notice (PAN)**

A minimum of 12 weeks prior to submission of a national or major application, a proposal of application notice (PAN) must be submitted to the planning authority by the developer. Community councils are encouraged to work with the developer prior to the submission of the PAN during the pre-application consultation period.

This notice must provide details of the proposal and the pre-application consultation to be carried out.

For the pre-application consultation, as a minimum, the PAN must be served on affected community councils and one public event must be held. There must be publicity for the public

event in the form of a newspaper advert at least 7 days in advance. The PAN will also be published in the weekly list.

Sometimes a developer may be asked by the planning authority to undertake additional community engagement depending on the nature, extent and location of the proposed development.

The purpose of the pre-application consultation is to improve the quality of planning applications, mitigate negative impacts where possible, address misunderstandings and air and deal with any community issues that can be tackled.

Community councils and the public generally can make their views known to the developer. Pre-application consultation does not replace the opportunity to comment on planning applications once they have been received by the planning authority.

## **8. Pre-application Consultation Report**

When the planning application is made, the developer must provide a pre-application consultation report, known as a PAC report. Before this happens, developers are asked to give a draft of the PAC report to the community council for their comment. It is important that community councils give feedback as soon as possible. Sometimes there might be a need for further consultation at this stage. The PAC report includes details of who has been consulted, what steps were taken to comply with the statutory requirement, how the applicant responded to comments made, copies of adverts and consultation material and evidence that the public were made aware that the PAC process does not replace the planning application process whereby representations can be made to the planning authority.

## **9. Permitted Development**

Planning permission from West Lothian Council is required for most types of development including certain changes of use of land or buildings. Nevertheless there is a lengthy schedule of types of development that do not require planning permission. This is termed 'permitted development' and includes works proposed by householders, statutory undertakers and other specific types of development.

## **10. Speaking up for Communities**

It is the statutory duty of a community council to find out what people in the community feel and to express these feelings to the council.

Community councils may wish to consider the following actions:-

- Talk to local people and see if they share the views of the community council
- Contact the local newspaper and ask about publishing an article in the local news section or issue a newsletter describing the proposed development
- Contact your local ward councillors. Community councils should bear in mind that councillors are restricted in what they can do/say in relation to planning applications

by the Code of Conduct for Councillors, particularly if they are members of the Development Management Committee or it is a major application which is significantly contrary to the development plan and which will come before a meeting of the West Lothian Planning Committee and Full Council for determination.

- Find out when the particular application is due to be considered by the Development Management Committee. Committee reports are available on the council's website 4 days before the committee. The planning officer dealing with the application will be able to provide you with the timescales for requesting to speak at the meeting.

## **11. When to submit a representation**

Any individual or organisation has the right to submit comments (known as representations) on a planning application. Many community councils submit comments and objections as representations after viewing the application details.

The representation method is generally used where the community council has a clear understanding of local opinion on the proposal, or where the proposal is relatively minor but nevertheless raises a wider local issue. Representations are accepted on the understanding that the views contained therein are the view of the community council. Guidance and advice on commenting on planning proposals is available on the council web site.

PAN47 provides community councils with guidance on their responsibilities in this respect.

A planning authority has to take comments and representations into account in reaching its decision on a planning application, provided that:-

- The representations are made within a specific period, and
- They are material planning considerations

The date of registration or advertisement is shown against each planning application on the weekly list. The newspaper advert, covering a limited number of applications, appears in the West Lothian Courier on a Thursday or the Linlithgow Gazette on a Friday.

## **12. When to be a consultee**

Community councils are automatically be treated as a consultee on national and major developments. In others cases, planning legislation requires a community council to request formal consultation within 7 days of the issuing date of the weekly list.

PAN47 emphasises that consultation should not cause delay in the processing of applications; community councils should organise themselves in a way that allows a response to be made within the consultation period.

Community councils have 21 days to respond, starting from the date of issue of the consultation by the Planning Service. To request a formal consultation, contact the case officer for the application.

PAN47 advises community councils as follows in considering whether to ask to be formally consulted:

“...community councils are advised to limit their attention to proposals which raise issues of genuine community interest; householder applications will rarely involve issues of this kind”.

In accordance with its duty to “ascertain, co-ordinate and express” local views, a community council may decide that it is necessary to arrange a public meeting or some other form of local consultation exercise before it submits its consultation response. In such a situation, the community council may wish to seek an extension to the 21 days consultation period. This is likely to be limited to proposals raising complex or controversial local issues and would not be expected to occur on a regular basis. Community councils must discuss a request for an extension with the case officer for the application and then confirm it in writing, giving reasons. If an extension to the timetable is agreed, the extension period will be specified so that the applicant can be informed.

Letters of representation or consultation can be inspected on the planning portal. They cannot be treated as confidential, although personal details will be redacted.

### **13. Variation or amendment of applications after submission**

Legislation allows applications to be varied after submission with the agreement of the planning authority, provided that the variation is not substantial. A new application would be required to take forward a substantial variation.

The legislation makes it clear that it is for the planning authority to decide what is appropriate regarding notice about the variation to other parties. These changes are often minor and may raise no new planning issues. Many changes address points raised by objectors of planning officers.

Changes can also be made to approved applications provided they do not raise any new material planning issues.

### **14. Contact with the Case Officer**

During the processing of an application, the case officer will endeavour to offer help and advice on progress and procedures. They will be unable to enter into a debate on the merits of the scheme.

Similarly it is inappropriate for case officers to express views about proposals at open meetings or other meetings with interested individuals during the consideration of an application. It is the case officer’s duty to remain impartial until all the relevant information has been assessed.

Following a decision, the report and its assessment set out the council’s justification for the decision. This is available on the planning portal. There is no right of appeal for community groups after a decision is made.

### **15. Making the Decision**

In West Lothian, the final decisions on planning applications are either taken by the Development Management Committee or to help speed up the process, less complex or non-

controversial decisions are delegated to the Head of Planning and Economic Development for decision.

The council is required to create a scheme of delegation which specifies how applications for local developments will be decided. The decision can be reviewed by the Local Review Body of the planning authority rather than by appeal to Scottish Ministers.

Some application types are the subject of mandatory pre-determination hearings and the Regulations prescribe those, other than the applicant, who can appear before and be heard by the committee. Pre-determination hearings take place before the West Lothian Council Planning Committee with the final decision being made by the West Lothian Council (Planning).

Pre-determination hearings are mandatory for major developments where they are significantly contrary to the development plan, and for national developments.

## **16. Development Plans**

Preparation of a development plan is a statutory requirement under the terms of the Town and Country Planning (Scotland) Act 1997. The development plan sets out how places should change and what they could be like in the future. They set out what type of development should take place and where, and which areas should not be developed.

The development plan also gives an indication as to when development is anticipated to be delivered, inform decisions on investment in infrastructure e.g. schools and roads, and is used to inform decisions on planning applications. Development plans must be reviewed every five years.

The current development plan for West Lothian comprises the Strategic Development Plan for Edinburgh and South East Scotland (SDP), approved by Scottish Ministers in June 2013 and the West Lothian Local Plan (WLLP), adopted by West Lothian Council in January 2009. The plan is also supported by a suite of supplementary planning guidance which, where taken forward, will form part of the new development plan.

The West Lothian Local Plan will be replaced by the West Lothian Local Development Plan (LDP). The LDP will set out where most new developments are proposed and the policies that will guide decision-making on planning applications. LDPs generally cover in detail a five year period but also provide an indication of longer term planning strategies. The West Lothian LDP will cover the period 2015 – 24 and beyond.

Community councils are encouraged to get involved in the preparation or review of the development plan to allow communities to shape the planning framework which is used for making decisions on individual development proposals.

Planning guidance is produced to explain the policies and development plan and to guide the development of larger sites. The guidance is considered to be a material consideration in the determination of planning applications, but carries less weight than the development plan. It must be subject to publicity and consultation and is available on the council's website.

## **17. Help and Advice**

For further advice or to make an appointment, please call 01506 280000 or e-mail [planning@westlothian.gov.uk](mailto:planning@westlothian.gov.uk)

Further information on planning can be available on the council website [www.westlothian.gov.uk/planning-and-building-standards](http://www.westlothian.gov.uk/planning-and-building-standards)

## **18. Planning Aid for Scotland**

If you need independent advice, Planning Aid for Scotland may be able to help. The organisation is a voluntary charitable company which offers free advice to individuals, community councils and other groups. PAS volunteers are qualified and experienced planners who can provide information and advice on all aspects of Town and Country Planning and related issues. Their contact details are:-

Planning Aid for Scotland  
3rd floor, 125 Princes Street  
Edinburgh  
EH2 4AD

For planning advice enquiries, please submit your enquiry through their [Advice page](#)

Alternatively call 0300 323 7602. Calls will cost no more than a national rate call.



## APPENDIX 1

### **Summary of the Roles and Responsibilities of Community Councils in the planning system (extract from PAN47)**

- Statutory right to be consulted on applications for planning permission
- Represent a broader yet still local view
- Key task is helping to provide an informed local context within which sensible decisions can be made in the public interest
- Appoint one person as their point of contact for the planning authority on all planning matters, provide holiday cover, and inform the authority accordingly
- Community councils should receive copies of the weekly list of planning applications
- May wish to view particular applications in detail and can request formal consultation within 7 working days of the issuing date of the weekly list
- May not seek to be formally consulted – may submit comments (known as representations) like any other member of the public
- Advised to limit their attention to proposals which raise issues of genuine community interest; householder applications will rarely involve issues of this kind
- Ensure method of working allows response within the consultation period (21 days)
- Should not expect to be consulted on very minor changes which are sometimes made to applications either while they are being considered or after they have been approved
- Planning authorities should consider occasional training sessions for community councillors in their area

## **APPENDIX 2**

### **The Planning Hierachy**

National developments are identified in the National Planning Framework and tend to be proposals for infrastructure developments such as the replacement Forth Crossing.

There are 9 classes of major development which are designated in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, and include proposals such as all development under Schedule 1 of the EIA (Scotland) Regulations 1999 and housing proposals of 50 dwellings or more, or housing sites exceeding 2 hectares.

Local developments are designated as those which are not national or major developments, and tend to be of a smaller scale.

## SECTION 9 – UNDERSTANDING AND ACHIEVING COMMUNITY ENGAGEMENT

Community engagement is about making sure that people can get involved and take part in a range of ways in the planning, development and delivery of services. It goes further than informing and consulting local people by seeking to enable communities to take an active part in influencing decision making and service delivery.

The Standards for Community Engagement define community engagement as *'Developing and sustaining a working relationship between one or more public body and one or more community group, to help them both to understand and act on the needs or issues that the community experiences'*.

Community Councils have a vital role to play in community engagement at local level. It is important that Community Councillors are aware of their responsibilities in engaging with their communities and the ways in which to do it. Community Councils must be equipped with the knowledge and have access to the appropriate tools to enable them to wholly represent the views of their community as a result of genuine community engagement activity.

Community Councils ability to undertake effective community engagement depends on the following;

- Understanding what community engagement is and the spectrum of activity within it is central to the ability of Community Councils to engage with their communities effectively and therefore represent their interests.
- Understanding why we need to engage with communities; the legislative and policy context behind it, the benefits to engagement what we want to achieve by engaging with communities.
- Being clear about who to engage with. Community Councils have a defined geographical community however it is important to recognise the different groups and individuals within that.
- Understanding the range of methods and techniques for engaging with communities and how to plan these around the needs of particular groups in the community.

A Community Engagement Toolkit has been developed in West Lothian as a practical resource for anyone that wants more information on how to carry out effective community engagement. This can be used by Community Councils in helping them to plan and carry out community engagement in the ways that suit members of their community. The toolkit is being finalised and will be published on the council's website. A link to the document will be issued to all community council secretaries.

## **SECTION 10 - CONSULTING WITH YOUR LOCAL AREA**

You have a responsibility to communicate with all the residents living in your community. You should do this regularly and effectively to be able to claim that you represent their views and needs, and not the personal opinion of community councillors. There are two parts to this duty – seeking their views and keeping them informed of your work as their elected representatives.

This is a positive duty. Fulfilling it will immensely improve the service you give to the community. Here are some examples:-

- Ensure your council is giving you the support you need to fulfil your duty
- Include main contact details in every piece of paper, e-mail, etc., that is issued from your community council. Always invite contact and encourage feedback.
- Create a community council website and publish agendas, minutes, consultations, etc. Contact details should be published on the website to ensure that members of the public can contact the community council easily.
- Collate a Citizens' Panel type circulation list of e-mail addresses for local constituents. Ask for permission to send e-mail bulletins seeking their views on proposals and reporting on actions.
- Display contact details for the community council in public buildings in your area. Include information on what you do and how you can help.
- Secure space in the local news section of the local newspaper. Publicise your work and invite comments.
- Submit articles to the council for publication on its Facebook and Twitter pages.
- Invite the local press to attend your meetings and issue press releases on matters of local interest. Consider appointing a press liaison officer to undertake this role.
- Whenever you have a change of office-bearer, let the council's CLO know. This will help to ensure that the council's officers are contacting the correct person and avoid important deadlines from being missed.
- Issue a community survey once per year. Ask questions about the community's perception of you, of their community and their quality of life. Ask what they think should be done to improve the area. Find out what their priorities are. Be sure to include questions on the issues that are important to your constituents even if these are not yet fully known.
- Consider shorter, faster surveys on individual issues of significant local importance where timescales permit. The response will be very important in helping you demonstrate how you speak for the community.
- Hold public meetings when there is an issue of significant local importance. Monitor the attendance in terms of whether it representatively reflects the community – age, sex, area of residents, numbers in attendance and so on.
- Place suggestion boxes in prominent, local venues to allow citizens to make comments and/or suggestions on how to tackle a local issue or generally better the community. Always respond to comments left when the person gives contact details. Regularly report comments at community council meetings.

- If possible, deliver flyers door to door. This is a great way for community councillors to get to know their constituents and vice versa.
- Word of mouth and informal personal contact is a common practice and has its place. It is the least objective method of discovering the community's views and should not be relied upon wholly when the community council make important decisions

### **Remember**

- Always make it as easy as possible for the public to contact you by publishing a mixture of contact addresses, phone numbers and e-mail details for office-bearers. Do not assume that everyone has computer access – there must alternative contact methods to ensure that the community council is accessible to everyone it represents.
- Always seek comments and opinions from the community.
- Always evaluate your effectiveness
- Never let the personal opinions of individual community councillors replace the views of the community.
- Always adhere to the principles of the Code of Conduct for Community Councillors.

## SECTION 11 - CAMPAIGNING ON THE ISSUES

Community councils are presented with a large variety of issues and problems. Some will affect a single member of the community and others the entire community and beyond. Your community council must try its best to make a balanced decision on what issues it will tackle and how.

- Start by applying the “community benefit test”. Your actions should be directed towards securing the most positive results for the greatest number of local people, so long as the minority does not suffer in the process. When faced with a number of issues, give first and most attention to those that affect the most people and on which you can realistically have a positive effect.
- Begin by gathering information. Decisions made without information, by prejudging the issue or by making assumptions are bad for your community and your reputation. Find out the key points and then find out what local people feel about it.
- Base your community councils position on the views of or the benefit to the majority of citizens.
- Be honest and realistic about whether you can do something about the issue. What influence can you have on the issue and those involved? Can you secure professional advice on technical aspects that will help to make your case? Research the person/organisation you wish to influence? How can you engage with them to reach the desired outcome of the community council?
- Decide what results you want. Be specific. Know why you want each result and exactly how they will meet the conditions about benefit to the community.
- Figure out how to reach those objectives, and monitor your activity. Assess how you can tell when you’ve achieved your objectives.
- An issue does not need to have only two opposing sides – your community council could be an independent mediator bringing both sides together.
- Avoid allowing the community council to become a vehicle for any campaign that is not the evident will of the majority of the community council. When that is established, maintain that position and do not let your community council become the venue for constant debate about the issues merits. Single issues should not be allowed to overwhelm your meetings.
- When you have determined the official position of your community council on an issue, you should not alter it unless there is a material change in circumstances or evidence.
- A community councillor who becomes publicly associated with a particular position in a way that may be seen to prejudice the community council on an issue must declare an interest to the community council and take no part in the activity associated with it.
- You may choose to appoint a special committee to co-ordinate action on a particular issue with appropriate delegated authority. Make sure the committee has a clear remit and set clear instructions on what it can and cannot do without prior approval of the whole community council.

## SECTION 12 - REPRESENTING YOUR COMMUNITY

Communities want to see how their views are being reflected in the decisions made on their behalf by community councils. This can be achieved in a number of ways:-

- **Minutes** - should accurately reflect the business at the meeting and the decision that was reached. This decision should be made on the basis of community opinion (evidenced where possible) to clearly show both the local community and other outside bodies, such as the local council, that the community have been consulted, listened to and that the views accurately reflected.
- **Meetings** – this is the clearest way for community council to share the known views of the community and to demonstrate to those in attendance that they are being listened to.
- **Public meeting called for a specific purpose** - will again demonstrate that the public are being listened to and consulted on their concerns and that where appropriate, action is being taken on their behalf.
- **Attendance by community councillors at other meetings** – attendance at meetings should be recorded in the minute where community councillors have attended on behalf of their community. Issues/opinions expressed by the community councillor should be reported back to the community via the community council minutes.
- **Newsletters/Public Notices** – these are a good means of engaging and sharing information. They are also a good way of gathering local views and identifying how local views have helped to shape the view of the community council.
- **Membership** – encourage membership from across the geographical community council area reflecting the make-up of the community it represents.
- **Communication Channels** – a community council should make sure that it has the communication channels in place to pass on local opinion to decision makers. These are usually established by public sector organisations who are required to consult/engage with the community but such channels may not have been set up between local groups where the representation of a local opinion is just as important. Examples of communication media include notice boards, local shops, suggestion boxes, the internet, etc.
- **Consultation** – it is important for community councils to represent local views through various mechanisms including consultations where possible.
- **Availability of Information** – all community council information produced should be available as widely as possible and easily accessible. It is important that the community council seeks out the most effective ways to engage with the residents. Members of the public can inform the community council of points which they would like to be discussed and make their views know.
- **Establishing Views** – community councillors should canvass local opinion but be careful not to be perceived as orchestrating campaigns unless endorsed by the community. Community councils are aware that it is often only a vocal minority who make representations. The community council should seek to represent the views of the whole community.

## **SECTION 13 - IMPROVING AND ENCOURAGING YOUTH MEMBERSHIP**

A community council's primary function is to ascertain and express the views of the community they seek to represent and based on these views take appropriate action. It is important that all sections of the community are properly represented and have the opportunity to participate in the local democratic process. This includes young people.

Ever since they were established, many community councils have struggled to attract and sustain the involvement of young people. Research carried out by the then Association of Community Councillors in Scotland a number of years ago showed that the average age of community councillors in Scotland was around 58 years old.

Article 12 in the United National Convention for the Rights of the Child states that young people who are capable of forming their views should have the right to express these views freely. The inclusion of youth members on community councils provides equal opportunities for young people in local democratic decisions through community councils.

In recognition of this and to allow young people to become fully involved in the work of community councils, the council extended its scheme in 2005 to allow 2 youth members per community council. This practice was continued in the 2009 scheme. It remains in the new 2015 scheme although the maximum number of youth members per community council has been increased to 4.

Youth members must be aged between 14-16. They will be asked to provide evidence of their home address to the Returning Officer as their details will not necessarily appear in the electoral register.

Youth members have full voting rights and can hold an office-bearers position. The only exception to this is the post of treasurer which must be filled by a member aged 18 or over due to banking restrictions.

Youth members are in addition to the membership numbers and count towards the quorum for a meeting.

A separate nomination pack is available for youth members.



## **SECTION 14 - TRAINING AND DEVELOPMENT OF COMMUNITY COUNCILLORS**

Annual questionnaires will be issued to all community councils to identify their training needs to ensure that the training being offered is relevant to their needs. General community council training will be organised for community councillors on subjects where demand is shown.

## **SECTION 15 – JOINT FORUM OF COMMUNITY COUNCILS IN WEST LoTHIAN**

The Joint Forum of Community Councils in West Lothian was set up in 2018. The aims of the Forum are:-

- To share knowledge and experience on subjects of common interest.
- To formulate questions for the Council's Policy, Development and Scrutiny Panels (PDSPs) and to influence community planning decisions.

Membership of the Joint Forum is open to all community councils in West Lothian. Each community council has one vote at Joint Forums meetings regardless of how many representatives from their membership are in attendance at meetings.

All community councils are encouraged to get involved with the Joint Forum and ensure it is providing services appropriate to the needs of the community councils it represents.

Information on meetings of the Executive, Sub-Groups, etc. can all be found on their website at [www.westlothiancc.com](http://www.westlothiancc.com)

## **SECTION 16 - EQUALITY AND DIVERSITY**

### **1. Introduction**

The purpose of this document is to make clear:

- Why Community Councils need to be aware of the general responsibilities relating to the Equality Act (2010); and
- How they can play a significant part in promoting and supporting equality in the community.

### **2. Background**

The Equality Act (2010) legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws (Sex Discrimination Act (1975); Race Relations Act (1976); Disability Discrimination Act (1995)) with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

The Act was amended to include the [public sector equality duty](#) in April 2011 – this is often referred to as the general duty. The public sector equality duty states that Scottish public authorities must have 'due regard' to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

The main purpose of a Community Council is to find out the views of their community and clearly express them to the Local Authority and other relevant public organisations. Some also find themselves involved in fundraising, organising community projects and other such activities. Community Councils therefore have both a responsibility to ensure that they represent all within their community irrespective of protected characteristics. Community Councils must act in accordance with the Equality Act (2010).

### **3. Equality Act (2010)**

The Equality Act (2010) outlines following characteristics are protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics. There is also protection against discrimination where someone is perceived to have one of the protected characteristics or where they are associated with someone who has a protected characteristic. The definitions of each of the protected characteristics can be found below:

#### **3.1 Age**

This protected characteristic refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

#### **3.2 Disability**

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

### 3.3 Gender Reassignment

A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing, or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

### 3.4 Marriage or Civil Partnership

A person has the protected characteristic of marriage and civil partnership if the person is married or is a civil partner. In Scotland marriage is no longer restricted to a union between a man and a woman but now includes a marriage between same-sex couples. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples.

### 3.5 Pregnancy or Maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

### 3.6 Race

Race refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

### 3.7 Religion or Belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

### 3.8 Sex

Sex refers to how an individual identifies as a man or a woman.

### 3.9 Sexual Orientation

Sexual orientation refers to whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

## 4. **Community Councils and Equality**

There are various ways in which community councils can support and promote equality and diversity. Some key examples include:

- Find out about the population make-up of the area – for example how many people of different races or with disabilities live in the area? Is the work of the community council taking this diversity into account?
- Ensure that any advertising or promotions for the Community Council are inclusive to all, and that meetings take place in accessible buildings at times that are as inclusive as possible.
- You may need to make a particular effort to hear from or engage ‘hard-to reach’ groups – help to do this is likely to be available from your community council liaison officer or from Voluntary Sector Gateway West Lothian.
- If organising or participating in local events in partnership with community groups, you may want to include West Lothian Council supported Equality Forums (further details at 5.3).
- Act in an inclusive manner when inviting speakers from community groups to discuss difficulties they are experiencing in the community with the community council.
- Make it clear that the community council will not support any discrimination, harassment or victimisation.

## 5. Further Information

Further information or guidance in relation to equality and diversity is available from the following sources:

### 5.1 Equality and Human Rights Commission

This is the national, independent organisation responsible for ensuring that organisations comply with equality and diversity legislation and guidance:

<http://www.equalityhumanrights.com/about-us/devolved-authorities/commission-scotland>

### 5.2 Equality Advisory Service

The Equality Advisory Service provides information and guidance to individuals on their rights and responsibilities in relation to equality and discrimination issues:

<http://www.equalityadvisoryservice.com/>

### 5.3 West Lothian Equality Forums

The Forums exist to promote equality and good relations within the community. Forums are supported at the moment in relation to disability, ethnicity and women’s inequality. A young people’s LGBT group and a Faith Network, bringing representatives of different faiths in West Lothian together, are also supported.

For further information please contact E: [diversity@westlothian.gov.uk](mailto:diversity@westlothian.gov.uk)

**SECTION 17 – NOMINATION FORMS**

See following pages.

**NOMINATION FOR ELECTION TO**

.....COMMUNITY COUNCIL

<b>CANDIDATE</b>		
<b>FULL NAME</b>	<b>ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)</b>	<b>ELECTORAL REGISTRATION NUMBER (i.e. LVL1E 123)</b>
TEL. NO:	E-MAIL:	

<b>PROPOSER</b>			
<b>FULL NAME</b>	<b>SIGNATURE</b>	<b>ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)</b>	<b>ELECTORAL REGISTRATION NUMBER (i.e. LVL1E 456)</b>

<b>SECONDER</b>			
<b>FULL NAME</b>	<b>SIGNATURE</b>	<b>ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)</b>	<b>ELECTORAL REGISTRATION NUMBER (i.e. LVL1E 789)</b>

**PTO**

**DECLARATION (TO BE COMPLETED BY CANDIDATE)**

I CONSENT TO BEING NOMINATED AND IF ELECTED I ACCEPT OFFICE AS A COMMUNITY COUNCILLOR. I UNDERSTAND THAT MY DETAILS WILL BE RETAINED BY WEST LOTHIAN COUNCIL AND USED BY THEM TO CONTACT ME ON COMMUNITY COUNCIL BUSINESS IN ACCORDANCE WITH THEIR PUBLISHED PRIVACY NOTICE.

I AGREE THAT MY CONTACT DETAILS CAN BE GIVEN TO WITH THE COMMUNITY COUNCIL SECRETARY TO ENSURE THEY ARE ABLE TO SHARE COMMUNITY COUNCIL DOCUMENTATION WITH ME.

I ACKNOWLEDGE THAT IF APPOINTED AS A COMMUNITY COUNCIL OFFICE-BEARER, IT IS ESSENTIAL THAT I CAN BE CONTACTED BY MEMBERS OF THE COMMUNITY REGARDING COMMUNITY COUNCIL BUSINESS.

I AGREE THAT IF APPOINTED AS AN OFFICE-BEARER, WEST LOTHIAN COUNCIL WILL BE ENTITLED TO USE AND PUBLISH MY NAME AND CONTACT DETAILS (EXCLUDING EX-DIRECTORY TELEPHONE NUMBERS AND E-MAIL ADDRESSES, EXCEPT WITH MY CONSENT) TO PROVIDE A POINT OF CONTACT WITH THE COMMUNITY COUNCIL, TO PRODUCE COMMUNITY COUNCIL CONTACT LISTS IN COMPUTERISED OR PRINT FORM, OR FOR PUBLICATION ON THE INTERNET ON THE COUNCIL'S WEBSITE.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Return form to:-  
Returning Officer (Community Councils)  
c/o Legal Services  
West Lothian Civic Centre  
Howden South Road  
Livingston  
EH54 6FF

- Notes -
- (i) Electoral registers may be available to view in main council offices. Where this is not possible, the Electoral Registration Office can provide you with your electoral register number if you call them on 0131 344 2500. Alternatively, the electoral registration details can be verified by WLC upon receipt of your form.
  - (ii) If you require any assistance in completing the form, please contact the Community Council Liaison Officer by emailing [community.councils@westlothian.gov.uk](mailto:community.councils@westlothian.gov.uk) or by calling 01506 281609.
  - (iii) The names and addresses of the proposer and seconder must appear in the same community council area as the candidate (i.e. candidates from Armadale must have their forms proposed and seconded by registered electors from Armadale).

For official use only

Date Nomination Received	Time Received	Initials of Receiving Officer	Valid/Invalid





**NOMINATION FOR CO-OPTION TO**

.....**COMMUNITY COUNCIL**

<b>FULL NAME OF CANDIDATE</b>	<b>ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)</b>	<b>ELECTORAL REGISTRATION NUMBER (i.e. LVL1E 123)</b>
TEL. NO:	E-MAIL:	
<b>DATE OF MEETING WHERE YOUR CO-OPTION WAS APPROVED BY AT LEAST 2/3RDS OF THE VOTING MEMBERS PRESENT</b>		

**DECLARATION**

I CONSENT TO BEING NOMINATED AND IF ELECTED I ACCEPT OFFICE AS A COMMUNITY COUNCILLOR. I UNDERSTAND THAT MY DETAILS WILL BE RETAINED BY WEST LoTHIAN COUNCIL AND USED BY THEM TO CONTACT ME ON COMMUNITY COUNCIL BUSINESS IN ACCORDANCE WITH THEIR PUBLISHED PRIVACY NOTICE.

I AGREE THAT MY CONTACT DETAILS CAN BE GIVEN TO WITH THE COMMUNITY COUNCIL SECRETARY TO ENSURE THEY ARE ABLE TO SHARE COMMUNITY COUNCIL DOCUMENTATION WITH ME.

I ACKNOWLEDGE THAT IF APPOINTED AS A COMMUNITY COUNCIL OFFICE-BEARER, IT IS ESSENTIAL THAT I CAN BE CONTACTED BY MEMBERS OF THE COMMUNITY REGARDING COMMUNITY COUNCIL BUSINESS.

I AGREE THAT IF APPOINTED AS AN OFFICE-BEARER, WEST LoTHIAN COUNCIL WILL BE ENTITLED TO USE AND PUBLISH MY NAME AND CONTACT DETAILS (EXCLUDING EX-DIRECTORY TELEPHONE NUMBERS AND E-MAIL ADDRESSES, EXCEPT WITH MY CONSENT) TO PROVIDE A POINT OF CONTACT WITH THE COMMUNITY COUNCIL, TO PRODUCE COMMUNITY COUNCIL CONTACT LISTS IN COMPUTERISED OR PRINT FORM, OR FOR PUBLICATION ON THE INTERNET ON THE COUNCIL'S WEBSITE.

Signature

\_\_\_\_\_

Date

\_\_\_\_\_

**PTO**

Return form to:-

Returning Officer (Community Councils)  
c/o Legal Services  
West Lothian Civic Centre  
Howden South Road  
Livingston  
EH54 6FF

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- (i) Electoral registers may be available to view in main council offices. Where this is not possible, the Electoral Registration Office can provide you with your electoral register number if you call them on 0131 344 2500. Alternatively, the electoral registration details can be verified by WLC upon receipt of your form.
- (ii) If you require any assistance in completing the form, please contact the Community Council Liaison Officer by emailing [community.councils@westlothian.gov.uk](mailto:community.councils@westlothian.gov.uk) or by calling 01506 281609.
- (iii) The names and addresses of the proposer and seconder must appear in the same community council area as the candidate (i.e. candidates from Armadale must have their forms proposed and seconded by registered electors from Armadale).

For official use only

Date Nomination Received	Time Received	Initials of Receiving Officer	Valid/Invalid



**COMMUNITY COUNCIL YOUTH MEMBER NOMINATION FORM**

Name:

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\*Address:

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---

---

Postcode:

---

Tel. No:

---

E-mail:

---

\*Date of birth:

---

Your signature:

---

Today's date:

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\*If we contact you to say you can become a youth Community Councillor, you will have to provide us with the following before you start if your name and address does not appear in the electoral register:

- a copy of your birth certificate or passport as proof of age; and
- a copy of a utility bill, or similar, from your parent/guardian as proof of residence

**If you are under 16 you must ask your parent or guardian to sign the consent statement below.**

**"If their nomination is accepted I hereby consent to the above named becoming a youth community councillor."**

**Print name:** .....

**Signature:** .....

**Date:** .....

Nomination forms should be returned to:  
Returning Officer (Community Councils)  
c/o Legal Services, West Lothian Civic Centre  
Howden South Road, Livingston, EH54 6FF  
OR  
By email to [community.councils@westlothian.gov.uk](mailto:community.councils@westlothian.gov.uk)