



Highland Community Councils'

On-line Training Course

Updated Dec 2013

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Welcome



Welcome to the Highland Community Councils' online training course. This course has been designed to help you in your role as a Community Councillor. It complements the recent training events held across Highland and the [Frequently Asked Questions](#) section on the Council's website.

The course covers a number of areas but includes the roles and responsibilities of a Community Council, the role of the office bearers, the Community Council's role in relation to Planning and Licensing matters as well as the code of conduct, equalities and legal issues.

[The Scheme of Establishment for Community Councils](#) sits alongside this course and will be very important as a reference document for you during the course and throughout your time as a Community Councillor.

Should you have any queries regarding this content of this course please contact your Ward Manager.

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User Guide



The course is set out in a powerpoint presentation but based within a PDF for ease of access.

- You click scroll using your mouse or use your arrow keys to move forward a slide. You can also use the navigation panel on the left of the screen.
- There is a 'HOME' link on the bottom right of each page. This will take you back to the contents pages.
- The 'BACK' link returns you to the previous page.
- There are hyperlinks contained throughout the presentation that link you to points within the course, documents or websites.
- For this reason, and the size of the presentation, it is best to view this as an online document and not to download this.

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History of Community Councils



- A framework for setting up Community Councils in Scotland was created by the [Local Government \(Scotland\) Act 1973](#). This was updated by the [1994 Act](#).
- Under the Act it is the Local Authority's responsibility to draw up a Scheme for setting up Community Councils within their area.
- The Scheme sets out the framework under which Community Councils can be formed and how they will operate.
- Community Councils have a unique status. They are voluntary bodies but are created within a statutory framework.
- Community Councils are one of the principle mechanisms of public participation in Scottish Local Government and exist to express the views of the local community to the Local Authority and other public bodies.

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Community Councils in Highland



- The Highland Council introduced a new Highland wide [Scheme of Establishment](#) for Community Councils in April 2011. This followed 18 months of consultation.
- The new Scheme replaced the eight Schemes which dated from the former District Councils.
- The Scheme is the overarching document. The Community Council constitution, standing orders and code of conduct flow from this document.
- The Scheme is a working document and was reviewed early in 2013 with minor amendments made in June 2013 and 2015.
- There is provision for 154 Community Councils in Highland

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Roles and Responsibilities of Community Councils cont.



- The statutory purposes of Community Councils, as set out in the Local Government Acts, is 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, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable.”

Roles and Responsibilities of Community Councils



- Community Councils are one of the principle mechanisms of public participation in Scottish Local Government.
- They exist to act as a voice for the local community and to co-ordinate and express these views to the Local Authority and other public bodies.
- Community Councils have a key role in consultations on [planning](#) and [liquor license](#) applications.
- In addition to these key roles, most Community Councils also carry out a range of activities that are in the interests of their local community.

Membership



Under the Highland Council Scheme membership of a Community Council is determined as follows:

- Core membership of 7
- One additional member per thousand of population, up to the maximum 13
- Where the population density is less than the Highland average of 9.1/sq km, a Community Council will have one additional member, up to the maximum 13
- Maximum membership of 13
- The membership of each Community Council is set out at Appendix 2 of the [Scheme](#) documentation. No Community Council shall exceed this membership level.

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Membership cont.



To qualify to be a member of a Community Council and to vote in a Community Council election, individuals :

- Must be named on the electoral register for the area
- Must reside in the Community Council area
- Must be 16 years or over
- All Community Councillors, whether elected at a full or interim election, can vote on all matters

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Membership cont.



Co-opted Members

- If a vacancy arises, individuals can be co-opted to serve on a Community Council. They serve until the next round of elections – full or interim.
- They must meet the same criteria as full members of the Community Council. They are not additional members but make up the total membership of the Community Council.
- Co-opted members must be voted on to the Community Council by a two thirds majority
- Co-opted members shall have full voting rights, bar the appointment of other co-opted members
- Co-opted members may not exceed a total of one third of the total possible Community Council membership. E.g. if the Community Council allowed membership is 9 the maximum number of co-opted members is 3. This will ensure the balance of membership stays with the elected members.

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Membership cont.



Additional Members

- Associate members - can be appointed in addition to the membership of the Community Council where there is a need for individuals with a specific skill. They need not be resident in the area, will have no voting rights and will serve for a fixed period. Appointed by a majority vote.
- Ex-officio Members - ex-officio means by right of position or office. Therefore any Highland Councillor, MP, MSP or MEP whose ward falls within the Community Council area can be an ex-officio member. They will have no voting rights and cannot stand for the Community Council.

Membership cont.



- Disqualification of membership of a Community Council can occur in two ways:
 1. An individual who no longer resides within the Community Council area and/or whose name has been removed from the electoral role, shall be considered to no longer be on the Community Council.
 2. If a Community Councillor fails to attend meetings for a period of six consecutive months then the individual will no longer be considered to be part of the Community Council unless the absence has been approved by the Community Council e.g. an unavoidable absence due to sickness.

Community Council Elections



- Elections to Community Councils take place on a four yearly cycle
- The Highland Council will administer all elections and they will be undertaken on a pan-Highland basis
- Elections will be by postal ballot
- Community Councillors will be elected on a simple majority basis
- Community Councils must receive nominations equalling or exceeding HALF of their total membership in order to continue operating
- Should the number of candidates nominated equal or exceed half but be less than the total membership, the candidates will be declared elected and there will be no ballot

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Community Council Elections cont.



Filling of vacancies between elections:

- Vacancies on a Community Council may arise when someone resigns, moves outwith the area or is disqualified.
- If the vacancy results in the number of Community Councillors falling below half of the maximum permitted membership then an interim election will be held which The Highland Council will administer.
- Where this does not occur the Community Council may choose to fill the vacancy by co-opting someone (as long as this does not exceed the permitted level of co-optees).
- The Community Council may also choose to undertake its own postal ballot to fill the vacancy.
- Alternatively the Community Council can choose to leave the vacancy unfilled.

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Community Council Elections cont.



Interim elections

- If membership falls below half of the maximum permitted **elected** membership, the CC must stop operating until an interim election can be held. Note, co-opted members do not count towards this total.
- This means that the Community Council cannot meet and cannot take any decisions until an election can be held.
- Highland Council will hold an interim election for vacant positions. Interim elections are held three times a year.
- The election will be held for the vacant places and any co-opted places. Any remaining elected members remain in position.
- If membership falls below half less than 6 months before a full election, there will not be an interim election
- The CC may be allowed to continue to operate until the election if it meets the quorum level

First Meeting following an Election



- The first meeting of a Community Council following an election (full or interim) will be called by the Returning Officer.
- It will take place 21 days following an election or as soon as practicable.
- Office bearers – a Chair, Secretary and Treasurer – will be elected at the first meeting following an election, full and interim.

Section 2: Operational Guidance



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Community Council Constitution



- A constitution is an important document as it sets out the aims and responsibilities of an organisation and also how it will operate.
- The Community Council constitution sets out details about the day to day running of the Community Council e.g. filling casual vacancies, the voting rights of members, how to elect office bearers, details about running meetings of the Community Council and control of finance.
- A Community Council can only make changes to the constitution with written agreement from The Highland Council. Changes requested will be considered on their merits however it is important that Community Councils across Highland operate using the same constitution as far as possible.
- The Community Council constitution can be found at appendix three of the [Scheme](#) documentation.

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Community Council Meetings



- There can be three types of Community Council meeting:
 - Ordinary
 - Annual General (AGM)
 - Special
- The Community Council standing orders ensure that all meetings are conducted appropriately and effectively. They set out:
 - Order of business
 - Order of debate
 - Voting
- The quorum for all Community Council meetings shall be four voting members.
- The standing orders can be found at appendix four of the [Scheme](#) documentation.

Community Council Meetings cont.



- Community Councils will hold a minimum of six ordinary meetings per year.
- An Annual General Meeting will be held before the end of June.
- Special Meetings can be called by the Chair, by the written request of at least half of all Community Councillors or on receipt of a written request from 20 members of the Community.
- All decisions of the Community Council will be decided by a simple majority vote (with the exception of decisions relating to co-option, alterations to the constitution and dissolution).
- The Chair will have a second and casting vote should there be a tie.
- Every motion or amendment shall be moved and seconded.
- Office bearers – Chair, Secretary and Treasurer – will be elected for one year at the AGM but shall be eligible for re-election annually.

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Running an Effective Meeting



Key points in ensuring Community Council meetings are effective:

- Members attend and participate – if members fail to attend for a period of six consecutive months then they will no longer be on the Community Council.
- Have a clear agenda and ensure members stick to it, however the Chair may take items out of order.
- Meetings are well controlled and ordered by the Chair. The Chair shall have the power to adjourn the meeting if there is disorder.
- Ensure actions are followed up.
- Do not allow meetings to run on too long – this can be frustrating and result in people being unwilling to participate.

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Running an Effective Meeting cont.



Key points in ensuring Community Council meetings are effective:

- All meetings are open to the public – on rare occasion **items** of business can be taken in private should it be relating to an individual or matters of a sensitive nature but this must not be the norm and the decisions from that item must be made public.
- Notices informing the public when meetings are taking place should be displayed locally at least seven days before a meeting – details should also be sent to The Highland Council and any ex-officio members.
- A Community Council meeting is a formal meeting conducted in public – the public are *not* allowed to speak whenever they wish, however the public should be given an opportunity to contribute during meetings. This is important as a Community Council needs to be responsive to its community.
- The order, relevance and competence of contributions from the public shall be determined by the Chair.

Minutes and Agendas



Agendas

- An agenda will be required for every meeting. This will be drawn up by the Secretary in consultation with the Chair.
- Standing orders set out the core business items which should always be on the agenda of each meeting, these include:
 - Minute of the previous meeting
 - Written financial report from the Treasurer
 - Questions from the public
- Other possible areas to consider would be:
 - Correspondence
 - Would any ex-officio members like to make a statement?

Minutes and Agendas



Agendas cont.

- The Secretary and the Chair should consult with other Community Council members who may also have suggestions for items. It is good practice for members to have any suggestions for items prior to the agenda being circulated.
- The Secretary and the Chair will need to consider which items are a priority – it is important not to overload an agenda – and could some be dealt with in some other way or some other time?
- A draft agenda will be circulated 7 days prior to the date of the meeting. This should also be circulated to The Highland Council and any ex-officio members.

Minutes and Agendas



Minutes

- The minute of the meeting is very important as it will set out what decisions the Community Council has taken.
- The Secretary will take a minute of each Community Council meeting.
- The minute should summarise the view of the Community Council and the actions to be taken.
- Draft minutes should be circulated to Community Council and ex officio members and Highland Council within 14 days of a meeting taking place.
- If a Community Council wishes they may choose, provided no members requests an amendment to the draft within a set time period, to display the draft minutes to the public. Such minutes should be clearly marked as draft.
- In any event, once minutes are agreed they should also be made available to the wider public

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Role of the Community Council Chair



- To Chair the meetings of the Community Council.
- To be the spokesperson for the Community Council between meetings - the official 'voice' of the organisation - the Chair must be careful to reflect the Community Council's views not simply their own opinion.
- To liaise closely with the Secretary about dates / arrangements / agenda for meetings.
- He or she must be well prepared before the meeting and ensure that they are aware of possible controversial or delicate items on the agenda.
- He or she must know all the rules by which the Community Council functions.

Role of the Community Council Chair cont.



- The Chair must appreciate that in this position there may well be less opportunity to voice his/her own opinions.
- The Chair needs to get to know all members of the organisation so as to be able to recognise the ‘strong’ and ‘weak’ members.
- It is his or her particular responsibility to put at ease new members at their first meetings and to encourage participation by all.
- A good Chair will know the goals for each meeting and will not allow time to be wasted. He or she must develop a sensitivity as to when discussion is no longer ‘fruitful’ and bring such discussion to a meaningful conclusion.
- All speakers at a Community Council meeting will address their comments to the Chair

Role of the Community Council Treasurer



- The Treasurer must maintain the financial records of the Community Council in accordance with the financial templates provided by The Highland Council – this will include cashbook, bank statements invoices and/or receipts.
- He/she will submit regular financial reports to each meeting of the Community Council.
- He/she will arrange for the year's accounts to be independently checked and certified, (*note: there is no need for them to be audited*)
- The Treasurer will annually present the certified financial report to the Community Council AGM.
- The financial templates can be found at appendix 6 of the [Scheme](#) documentation.

Role of the Community Council Treasurer cont.



- The role of the Treasurer is different to that of other Office Bearers or members. Because the Treasurer is dealing with the finances of the organisation, he or she holds considerable responsibility yet has no absolute power over the way in which financial resources are used.
- The Treasurer will have an understanding of the financial affairs of the organisation and should be able to explain in easily understood terms the organisation's financial position both immediately and projected to the foreseeable future, so that policy decisions can be made by the whole Community Council in full knowledge of the financial implications of pursuing those policies.

Role of the Community Council Secretary



The Secretary has several key tasks:

Correspondence

- The Secretary will receive all correspondence both in and out and this must be noted on the agenda for the forthcoming regular meeting.
- The Secretary will take the correspondence to the meeting for discussion, reading out any important letters, making other correspondence available as required.
- No filing of current correspondence should be done until after the Community Council has received and approved both inward and outward mail.
- The Secretary needs to ensure that any correspondence he/she sends out is on behalf of the Community Council and not from them as an individual.

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Role of the Community Council Secretary cont.



Membership List:

- The Secretary should keep this up to date . It needs to include full details of all members in order to send out agendas and minutes.
- The Secretary should keep the Ward Manager up to date with any change in contact details of members.

Preparing the Agenda:

- The Secretary will need to check through the minutes of the previous meeting to ensure all instructions from that meeting have been carried out.
- The Secretary should consult with the Chair when drawing up the agenda and consider any suggestions or comments from other Community Council members.
- A draft agenda will be circulated 7 days prior to the date of the meeting by the Secretary.

Role of the Community Council Secretary cont.



Minute Taking:

- This is an important job providing a record of the discussion and decisions.
- Tips for good minute taking include: be prepared, be accurate, write up minutes soon after the meeting takes place, be objective and ensure decisions taken are recorded.
- The minute should summarise the discussion of the Community Council and the actions taken, it does not need to be a word for word record.
- The Secretary will circulate draft minutes to Community Council members and Highland Council within 14 days of a meeting occurring.
- Some Community Councils may wish to appoint a Minute Secretary. The Minute Secretary does not need to be a member of the Community Council and is present only to take minutes of a meeting. An associate member may take the role of minute secretary. In these circumstances, if the CC chooses to appoint a minute secretary rather than a secretary from its membership, they must appoint a vice –chair to ensure there are three office bearers.

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Role of the Community Council Secretary cont.



Record Keeping:

- The Secretary is responsible for retaining all Community Council records for an appropriate period. In terms of records:
 - **Minutes and agendas:** Community Councils have an obligation to make their Minutes and Agendas available to the community. Community Council minutes are within the Archive Service's collection policy. Records can be transferred into the care of the Highland Archive Service as a deposit where the Community Councils would retain ownership of the records.
 - **Financial Records:** financial records should be kept for six years plus the current year.

Role of the Community Council Secretary cont.



- Record Keeping cont.:
- **Correspondence:** There is no definitive guidance on this. Retention depends upon the nature of the correspondence. For example, if it is a letter passing on a document then it is unlikely this should be kept. However if the correspondence is related to a complicated planning matter it would be advisable to keep this for longer. Records Management are happy to advise on specific issues.
- Community Councils are required to comply with the Data Protection Act (full details later in the course) and there are specific requirements around this on how you manage your data. More details of this can be found in the Data Protection Guidance document that can be accessed [here](#).
- Records Management are happy to provide advice on this area.
- Contact: archives@highlifehighland.com or telephone 01463 256444

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Code of Conduct and its Principles



- The Code of Conduct for Community Councillors is based largely on the '[Code of Conduct for Local Authority Councillors](#)'. It is based on 9 key principles:
 - Service to the Community (Public Service)
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability and Stewardship
 - Openness
 - Honesty
 - Leadership
 - Respect
- A copy of the full Code of Conduct can be found at appendix five of the [Scheme](#) documentation.

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Code of Conduct cont.



- The principles are values that everyone would hope to stand by but because Community Councillors are elected representatives of their communities it is important that you are and, just as importantly, are seen to be adhering to the principles of the Code.
- Public expectations are very important – as an elected representative your conduct needs to be above reproach as otherwise the integrity of the Community Council will be questioned as well as your credibility as a Community Councillor.

Declaration of Interests



The code also sets out what is meant by Declaration of Interests:

- Interests include financial interests and non-financial interests you have or perhaps someone close to you might have. The critical test is whether someone may **think** that your interest may influence a decision you are going to take.
- If your interest is financial then you should withdraw from the meeting and not take part in the discussion. If it is non-financial then you have to consider how your decisions or actions could be viewed. You can stay but you should not take part in the discussion.

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Declaration of Interests cont.



- As an elected representative, you must be seen to be completely transparent in your decision making. The Code is there as a tool to help you to consider how someone else might perceive your actions. If you have a question or concern, then think about the code and how your actions could be interpreted.
- When considering planning and liquor license applications, if you have an interest, whether financial, non-financial or personal then you should refrain from taking part in the discussion.
- If, as an individual, you have submitted an objection to a planning or licensing application, then you should not take part in any discussion the Community Council may have on that application.

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Code of Conduct in Practice



The Code in Practice:

- The Code only applies when you are acting on behalf of the Community Council – either at a Community Council meeting or conducting Community Council business between meetings.
- For example, if you are attending a meeting on behalf of the Community Council or undertaking a project for the Community Council you should ensure that your behaviour complies with the principles of the code.
- It is important that even outwith Community Council meetings, if you are representing the Community Council, you declare any interests that could be misinterpreted. Failure to do so may lead people to question your integrity and that of the Community Council.
- Should you wish guidance on your responsibilities under the Code, you should contact your Ward Manager in the first instance.

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Section 3: Equalities and Legal Issues



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Equalities



- Equality law (The Equality Act) protects people from unfair treatment. It also requires that public bodies give “due regard” to equality matters.
- [The Equality Act 2010](#) brings together more than forty years of equality legislation and aims to make Britain a more equal society. It protects many people from unlawful discrimination. It covers “protected characteristics” which include:

Age	Disability	Sexual orientation
Marriage and civil partnership	Religion and belief	Pregnancy and maternity
Sex	Race	Gender re-assignment

Equalities cont.



- ***Everyone has a responsibility to ensure people are not discriminated against***
- As bodies representing their communities, Community Councils particularly need to think about ensuring people are not discriminated against.
- Developing good practice around equality of opportunity is something all Community Councils need to consider in order to represent communities and remove barriers to participation. This should cover working with employed staff, volunteers, delivering services and dealings with the public.

Equalities cont.



Principles for Community Councils

- Equality is not about treating everyone the same but about providing opportunities for everyone and taking individual needs into account.
- Promoting “good relations” is about respecting differences in culture, background and experiences, it is not about always having the same views.
- Ensure that meetings take place in accessible buildings at times that suit everyone and are advertised in places used by everyone.
- Reach out to groups whose voices are not always heard, find out what their experiences are of living in their community – e.g. invite a speaker or run an event in partnership.
- Be clear that the Community Council will not support direct or indirect discrimination, harassment, victimisation or any action that may exclude people because of any of the protected characteristics.

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Insurance and Liability



- Insurance cover for Community Councils has been set up through The Highland Council's insurers.
- The amount for standard cover is deducted annually from the Community Council grant.
- Community Councils can choose to arrange their own insurance but they need to inform the Council and have an alternative provider.
- Community Councils are responsible for arranging appropriate cover for all assets, the actions of the Community Council and the actions of an individual Community Councillor. If a Community Council has any assets you **must** seek advice from the Council's Insurance section to ensure that you have appropriate cover.
- *Should you have any queries regarding insurance contact Colin MacKenzie in insurance – colin.mackenzie@highland.gov.uk*

Insurance and Liability cont.



- Community Councils do not have limited liability therefore any assets, including property, are held in the names of the office bearers.
- This does put these individuals at considerable risk and would not be advised as a suitable approach by The Highland Council.
- The Highland Council has consistently lobbied the Scottish Government to change the legislation to overcome this issue but there has been no success to date.
- In order to overcome these challenges, Community Councils can contact their local Third Sector Interface provider. They can advise on how to address this issue such as setting up an organisation which offers limited liability for its members, known as an Arms Length Organisation.
- **Contact: Highland Third Sector Partnership Interface**
<http://www.highlandtsi.org.uk/>

Data Protection



- Under the terms of the [Data Protection Act 1998](#) any organisation handling personal data needs to ensure that it is managed and stored appropriately.
- Personal data means any information by which it is possible to identify a living individual – so this could simply be the names and addresses of Community Councillors.
- Processing personal data means acquiring it, storing it, amending it etc
- In 2008 the UK Information Commissioner determined that Community Councils who process personal data were required to register as data controllers as set out in the [Data Protection Act 1998](#).
- If a Community Council processes any personal data electronically then they would be required to register with the Information Commissioner as a data controller.
- It is very likely that all Community Councils will be required to register.

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Data Protection cont.



- Community Councils must decide themselves whether or not they need to register with the Information Commissioner. It costs £35 to register and there is provision within the administrative grant to cover this.
- **Important:** It is a criminal offence to process personal data without having first notified the Commissioner.
- A briefing note was produced by the Information Commissioner in conjunction with the Association of Scottish Community Councils. This can be accessed [here](#).
 - Further information: www.ico.gov.uk OR notification@ico.gov.uk
 - Notification Helpline on **01625 545 740**
- **Note:** *The Information Commissioner should not be confused with the Scottish Information Commissioner who is responsible for Freedom of Information. Community Councils are not subject to Freedom of Information*

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Section 4: Managing Assets and Obtaining Funding



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Community Council Grant



- Community Councils receive an annual administrative grant from the Council.
- The grant is to cover:
 - Meeting expenses – including venue hire and advertising
 - Administrative expenses – stationery, postage, photocopying, telephone/IT expenses, subscriptions e.g. Information Commissioner
 - Travel and subsistence – including travel expenses
 - Secretarial honorarium
- **It is up to a Community Council how they wish to allocate their grant, however these are the expenses that the Council provides the grant to cover.**

Day to Day Financial Management



- All Community Council members are responsible for how the Community Council spends its money.
- The financial year for the Community Council will be 1 April to 31 March.
- The Community Council must open a bank account in their name.
- There need to be three authorised signatories for all financial transactions – these would normally be the office bearers.
- Authorised signatories must not be members of the same household.
- All expenditure must be approved by the Community Council, the details recorded and proof of expenditure retained.
- The financial records of the Community Council must be recorded on the financial templates provided by The Highland Council.
- This will also include a cashbook, bank statements, invoices and or receipts and also a register of all Community Council assets.

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Financial Reporting Requirements



- A written financial report requires to be submitted to each meeting of the Community Council.
- The final year accounts for the Community Council need to be independently checked and certified prior to being submitted for approval at the Community Council AGM.
- Accounts do not need to be formally audited.
- Following the AGM the accounts should be submitted to The Highland Council. The grant will then be paid.
- Community Councils can apply for funding for specific projects through the Council's grant system and from other external bodies.
- The financial reporting templates can be found at appendix 6 of the [Scheme](#) documentation.

Obtaining Funding



- In addition to the grant provided by Highland Council, Community Councils are able to apply for funding from the Council's grant process or other organisations in order to undertake projects within their local area.
- The Community Council may also choose to fundraise locally to access funding for projects.
- It is important that any funding accessed is utilised for the purpose it was applied for and that this is detailed in the Community Council accounts.

Community Benefit - Background



- **What is Community Benefit?**
 - Community benefit is a “goodwill” contribution voluntarily donated by a developer for the benefit of communities affected by development where this will have a long-term impact on the environment.
- **Does a developer need to provide Community Benefit?**
 - No. There is no legal requirement for a developer to offer a community benefit donation.
- **Is Community Benefit the same as Planning Gain?**
 - No. As there is no legal requirement to provide Community Benefit which is different from Planning Gain which is mandatory and directly linked to the planning process.
- **How much Community Benefit can communities get?**
 - This will vary however Highland Council has developed a [Community Benefit policy](#) which was launched in February 2012. This policy aims to spread Community benefit widely across Highland communities and to simplify the process for communities and developers. It also sets out a minimum level for Community Benefit.

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Community Benefit – Highland Council Policy



- **What is the policy?**
 - The policy seeks a minimum payment to community benefit funds equivalent to £5,000 per Megawatt of installed capacity per year.
- **Who benefits from Community Benefit under the policy?**
 - The policy is that benefits should be widely spread across all of Highland with a three tier system of benefit to ensure this:
 - Local Fund (all of first £100k per year remains with local community and 55% of anything above this level)
 - Area Fund (30% of anything above £100k goes to the Area Fund)
 - Highland Trust Fund (15% of anything above £100k to the Highland Trust Fund)
- **Does Highland Council control the fund?**
 - No. Highland Council will not control any of the funds.
- **Do communities need to adopt the policy?**
 - No. Communities can choose to adopt the Council's Community Benefit policy. If communities choose this option then the Council will assist in negotiations with the appropriate developers. Communities can choose to negotiate with developers individually but Highland Council will not be able to assist.

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Community Benefit – in practice



- **Who administers Community Benefit?**
 - The community
- **How should this be done?**
 - The Council recommends that a Trust Fund / Company Limited by Guarantee or Arms Length organisation is put in place to manage and disburse the Local Fund receiving community benefit monies.
- **How is funding distributed?**
 - The local Trust/Arms Length Organisation would agree appropriate criteria for disbursing the Local Fund.
- **Can the community access the Area or Highland Trust funds?**
 - Yes. The community could also bid into both the Area and Highland Trust funds. Accessing funds in this way could also provide opportunities for match funding with other [EU and UK funding programmes](#).

Community Benefit and Community Councils



- **What is the role of the Community Council and Community Benefit?**
 - The Community Council may assist with the setting up of a Trust/Arms length organisation.
- **What isn't the role of the Community Council?**
 - It is not the Community Council's role to administer Community Benefit. Community Councils do not have limited liability (as outlined at section 3) and therefore the responsibility for the management of such assets would lie with the Community Council office bearers.
- **What is the ongoing relationship between the Community Council and Community Benefit?**
 - Community Councillors may sit on the board of the organisation administering Community Benefit.
 - The Community Council may want to bid/suggest projects for the spend of Community Benefit monies however it is not the role of the Community Council to decide on the allocation of these funds.
 - It is important for any Community Councillor sitting on the board of an arms length organisation to remember that they are representing the Community Council and their responsibility as outlined in the Code of Conduct applies.

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Community Benefit and Community Councils cont.



- Community Benefit, the planning process and the Community Council:
 - The Community Council will likely be involved in considering any planning application for a development where Community Benefit is involved. It is important that consideration of the planning application is completely separate from any discussions regarding Community Benefit. Should there be any conflict in this matter, the Community Council's representation on any application may be discounted.
- In some circumstances Community Councils may be in receipt of small amounts of Community Benefit money, perhaps allocated to them to spend locally as part of their role. This is quite appropriate. What is important is that the Community Council is not recommended to be the vehicle through which to receive Community Benefit money.

Section 5: Planning



- [Planning Systems in Scotland](#)
- [The Purpose of Planning](#)
- [Development Planning](#)
- [Development Management](#)
- [Decision Making Processes](#)
- [Role of Community Councils](#)
- [Community Councils as a Statutory Consultee](#)
- [Participating in the Planning Process](#)
- [Commenting on Applications](#)
- [Further Reading on Planning Matters](#)

Planning Systems in Scotland



- The Government announced in 1993 that after Local Government Reorganisation, as part of the [Local Government etc. \(Scotland\) Act 1994](#), Community Councils would have a statutory right to be consulted on local planning issues. This has been the case since 1996.
- The Government was keen to see an effective Community Council network able to play its part in considering planning issues of local concern. This was in line with its longstanding commitment to securing greater public involvement in environmental matters.

The Purpose of Planning



- Planning guides the future development and use of land.
- Planning is about where development should happen, where it should not and how it interacts with its surroundings. This requires promoting and facilitating development, while protecting and enhancing the natural and built environment in which we live, work and spend our leisure time.
- Careful attention to layout, design and construction should result in places where people want to be.

Development Planning



- The Local Development Plan is a framework the Highland Council uses to help make decisions about planning applications. One way in which the Plan is implemented is via Development Management.
- The [Planning etc. \(Scotland\) Act 2006](#) introduced a new statutory basis for development planning in Scotland including the replacement of structure plans and local plans by Local Development Plans within Highland.
- The Highland Council produces a [Development Plan Newsletter](#) which provides details of the existing and forthcoming Local Development Plans throughout the Council area and of other guidance. This other guidance will provide the detail on many topics such as affordable housing and wind energy developments. It may be statutory and form part of the Development Plan.
- The new style Local Development Plans are shorter and simpler and Community Council engagement will be particularly important in the early stages of preparing the plans.

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Development Planning cont.



Development Plan Scheme

Highland-wide Local Development Plan (HwLDP), (adopted in 2012) provides an overarching vision and spatial strategy for Highland. It is currently being reviewed with the Main Issues Report being published in Sept 2015.

3 Area Local Development Plans

- Inner Moray Firth LDP (adopted in July 2015)
- Caithness and Sutherland LDP (CaSPlan) - Proposed Plan published in Jan 2016
- West Highland and Islands LDP – Main Issues Report (MIR) expected to be published in Spring 2016.



The five key stages for preparing a Local Development Plan



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Development Planning cont.



Topic Based Supplementary Guidance (SG)

- HwLDP includes a range of SG on topics and areas. Both types of SG also forms part of the Development Plan. The existing suite of SG will be reviewed as the revised HwLDP and Area LDPs progress.

Community Plans

- The Community Empowerment Bill is introducing new opportunities for local people to play a greater role in shaping their community. In Highland, we see this is a natural extension to the role local communities play in contributing to the preparation of Development Plans.

Monitoring and Research

- Auditing and monitoring work provides useful evidence for preparing Development Plans. We prepare a range of documents on a variety of topics to help ensure that our Development Plan is based on the most up to date information.

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Development Management



Development Management is the process through which decisions are made on applications for planning permission. In addition to determining planning applications, Development Management includes giving advice to the public; pre-application discussions; processing related applications such as listed building, conservation area, and advertisement consents; monitoring implementation of approved applications; enforcement; and appeals.

When a planning application is submitted to The Highland Council

- It is checked for all the necessary information.
- When the application has all the necessary information it is made valid.
- All neighbours within 20 metres of the site are notified by the Council

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Development Management cont.



- The application will appear on the weekly list of applications received, published on the Council website.
- The application **may** be advertised in the local press.
- Progress on applications can be monitored on the Council's ePlanning system.
- The Council will consult with statutory consultees.
- The Planning Officer will visit the application site.
- The proposal will be assessed against the development plan and other material considerations.
- A recommendation will be made on the application.

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Decision Making Process



- The Planning Acts require decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
- Material considerations should be related to the development and use of land. Where a proposal is in accordance with the development plan, the principle of development should be taken as established.
- Annex A to Scottish Government Circular 3/2013 on Development Management Procedures provides information on the definition of a material consideration.
- Scottish Planning Policy, and Scottish Government planning advice and circulars can be material considerations. [The Scottish Government's planning website](#) provides links to relevant documents.

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Decision Making Process cont.



- The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another.
- The Planning Officer will make a recommendation on the application in accordance with the above.
- The Highland Council's Scheme of Delegation sets out who will make the decision on an application, that is: Full Council, Area Planning Applications Committee, or Appointed Officer.
- An unresolved objection from a statutory consultee will mean an application will require to be referred to Committee.
- Once a decision on an application has been made, only the applicant has a right of appeal or review.

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Role of Community Councils



- Where planning matters are concerned, whether they be planning applications or a new Local Development Plan, the role of the Community Council is to find out, gather and present the views of the community.
- Opinion may well be divided. The Community Council is charged with presenting these views in a balanced and coherent fashion.
- The Community Council does not have to decide which view they support nor are they required to approve or oppose developments.

The Community Council as a Statutory Consultee



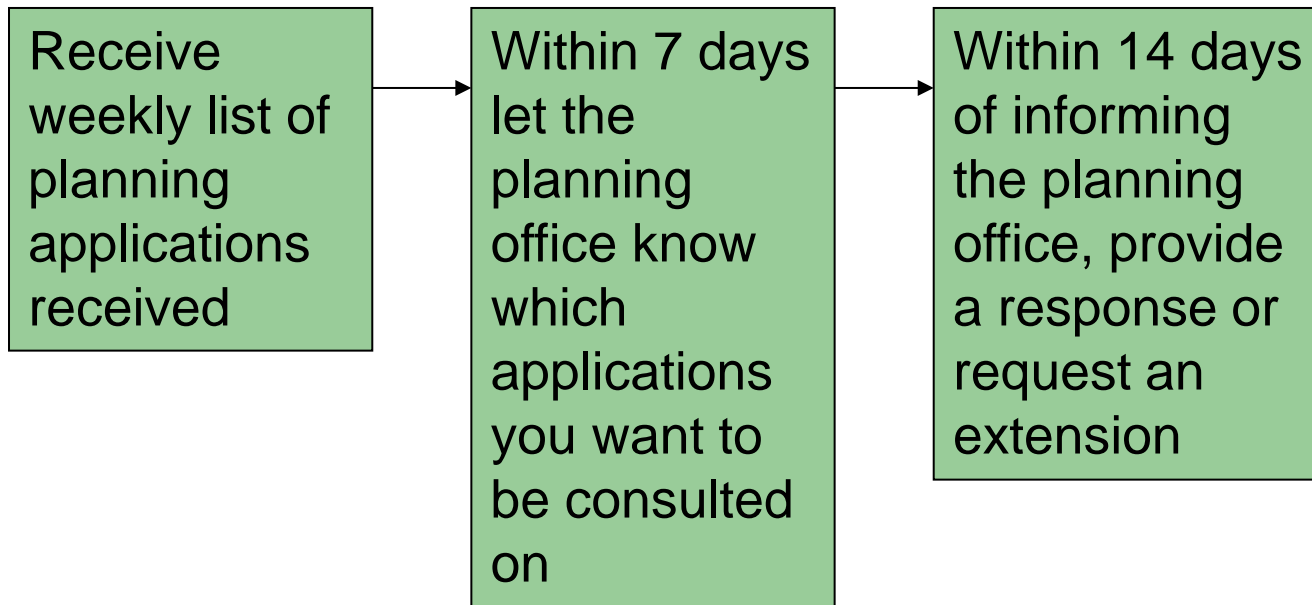
The Regulations require that the Council must consult a Community Council, within whose area a development is to take place, where –

- (a) The Community Council, within 7 days (excluding Saturday and Sunday, December 25th and 26th and January 1st and 2nd) of the date on which the planning authority sent to that Community Council in accordance with regulation 23(1) the list which includes information about the application for such development, informs the planning authority that it wishes to be consulted; or
- (b) the development is likely to affect the amenity in the area of the Community Council.

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The Community Council as a Statutory Consultee cont.



The Community Council as a Statutory Consultee cont.



- Timescales are important as failure to meet the 7 day deadline will result in the Community Council not being treated as a statutory consultee. This can affect the trigger for Committee determination in terms of the Council's Scheme of Delegation.
- If not following this process, any comments will be treated as public representations.
- The Council will automatically consult the Community Council on applications for development that is likely to affect the amenity in the area of the Community Council. Such consultation gives the Community Council the status of a statutory consultee.
- When a formal consultation is sent to the Community Council, the Community Council will have 14 days to provide their comments. It is open to a Community Council, like any other statutory consultee, to ask the Council to use its discretion to allow a reasonable extension in special cases: for example those which are unusually complex or controversial.

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Participating in the Planning Process



Action	Options and Points to Consider
Decide what will be the Community Council's involvement in planning matters	<ul style="list-style-type: none"> • Look at the applications that are of community interest • Only look at development of the Local Development Plan • Take no part in planning matters
Decide who in the Community Council will look at planning matters	<ul style="list-style-type: none"> • The whole committee • A planning sub-group • An individual who will co-ordinate the Community Council's views • No-one – the Community Council decides against involvement in planning matters
Decide who the Community Council point of contact for the Highland Council will be	Someone needs to be identified for the Highland Council to receive weekly lists and other planning documents – this could be the Chair, Secretary or sub-group Chair
Decide how the Community Council will address the planning process timescales	Decisions on planning applications have a strict timescale – Community Councils are unlikely to meet as frequently as this requires so provision needs to be made to respond quickly to planning matters of interest
Write a formal note of the above decisions and decide when the Community Council policy will be reviewed	It is important to have a record of the Community Council planning policy – this can either be a separate document or recorded in the minutes of the Community Council meeting
Identify the relevant planning officer in the Highland Council	Each area has a named development management case officer and a development plan liaison officer – the Community Council may want to meet with these officers to establish an effective working relationship

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Commenting on applications



Considerations:

What is the nature of the community interest?	Consider size, location, design, environmental impact, infrastructure, Development Plan issues, etc.
Are these issues material to the proposal?	For example, do they specifically relate to the development or use of land
Is the Community Council aware of any neighbour representations – comments or objections?	Community Councils should avoid being caught in neighbour disputes and should only look at the planning issues
Is there anything the Community Council could propose by way of compromise?	Different aspect, modify design, retain or plant hedges/trees, etc.

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Further reading on planning matters:



- Highland Council planning website: http://www.highland.gov.uk/info/161/planning_and_building_standards
- Scottish Government website: <http://www.gov.scot/Topics/built-environment/planning>
- Planning Aid Scotland: <http://pas.org.uk/>

Section 6: Licensing



- [Background](#)
- [Grounds for Objection](#)
- [Policy Statement and Overprovision](#)
- [The Licensing Objectives](#)
- [Licensing and Community Councils](#)

Background



- A new system for administering liquor licensing was introduced by the [Licensing \(Scotland\) Act 2005](#) which became fully operational on 1 September 2009.
- One of the important changes in the legislation is that the Board is obliged to notify Community Councils of applications.
- This entitles the Community Council to object within 21 days to an application or:
 - make representations in support or
 - look for modifications or
 - ask for particular conditions to be attached

Grounds for Objection



If Community Councils decide to object to an application they must do so on the following grounds:

- Inconsistency with one or more of the licensing objectives;
- Premises unsuitable due to:
 - the nature of activities proposed to be carried on in the premises;
 - the location, character and condition of the premises and the persons likely to frequent the premises;
- Overprovision

Policy Statement and Overprovision



- The Highland Licensing Board must publish every three years a statement of their policy in respect of the exercise of their functions under the Act.
- The document *inter alia* includes the Board's policies on opening hours, access to premises by children, outdoor drinking etc.
- It also includes the Board's overprovision statement.
- No overprovision unless the premises are off-sales with a display area exceeding 40 square metres.
- Policy statement can be found at:
http://www.highland.gov.uk/info/1125/licences_permits_and_permis_sions/339/liquor_licence/8

The Licensing Objectives



- One of the fundamental precepts of the legislation is the introduction of five licensing objectives.
- They are meant to be the keystone on which licensing applications are determined. These are:-
 - Preventing crime and disorder
 - Securing public safety
 - Preventing public nuisance
 - Protecting and improving public health
 - Protecting children from harm
- The Highland Licensing Board has a [Licensing Policy Statement 2013-16](#) and an [online register](#).

Licensing and Community Councils



- The Board will notify Community Councils of each application and where it is available for inspection. A notice is also published on the Board's website. No copy of the application will be sent.
- The application is a straightforward document and will contain details of the applicant and a description of the premises.
- The Operating Plan is a public document and will contain the following information:-
 - The activities to be conducted on the premises
 - Operating hours
 - Whether on/off sales or both
 - Other non-licensing activities e.g. Provision of bedrooms
 - How children will be dealt with.
 - Details of the Premises Manager. This will not be contained in conversion applications.

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Licensing and Community Councils cont.



- It is intended that Licensing Boards and the public will have a better idea of how a licensing premises will be conducted and what activities will be taking place. The Board has a number of local conditions but the Scottish Government has also laid down a number of mandatory conditions.
- More detailed information and advice is available on the Board's website:

www.highland.gov.uk/businessinformation/licensing/liquorlicensing/

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Section 7: Local Government



- [The Highland Council](#)
- [Organisation of the Council](#)
- [Role of the Highland Councillor](#)
- [Role of the Ward Manager](#)

The Highland Council



- The Highland Council covers the largest geographical area in the United Kingdom, at 26,464 sq km it is almost the same size as the country of Belgium.
- The overall population density for the Highlands sits at 8 people per square kilometre, in comparison with 66 across Scotland as a whole. Half of the region's population is found in the inner Moray Firth area. Only 25% of the population live in settlements of over 10,000 people and 40% in settlements of over 1,000 people.
- With an annual spend of over £500 million and a workforce of 8,674 full-time staff, the Council delivers a wide range of essential services to a population of 220,490. It is the largest employer in the Highlands.

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Organisation of the Council



The Council has 80 elected members serving on 14 four member wards and 8 three member wards. In addition to the full Highland Council, Councillors serve on five strategic committees:

- Resources Committee (Including financial affairs of the Council; personnel, housing management, building maintenance.)
- Education, Children and Adult Services Committee (Including education, arts, culture, sport and recreation and the Children’s plan).
- Communities and Partnerships Committee (including Community Empowerment, scrutiny of Police and Fire and Rescue Services)
- Planning Development and Infrastructure Committee (Including planning and building standards, economic development, tourism, environmental interests).
- Community Services (Including roads, harbours, ferries, housing, transportation, waste management, consumer)

In addition there are 8 local committees serving: Caithness, Sutherland, Ross and Cromarty, Skye, Lochaber, Nairn, Badenoch and Strathspey and Inverness

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Organisation of the Council cont.



- The Council is currently run by a minority Independent Administration
- The Council's Administration produce a [Programme](#) of action which sets out the priorities of the Council. The current Administration has developed a Programme entitled Highland First and has a series of commitment set out under the headings of:
 - Community Led Highland
 - Well-served Highland
 - A Fairer Highland
 - Inverness City – the Capital of the Highlands
- The programme sets out what the Council will do, what we will do with our partners locally and what we will do with other organisations.
- Elections to the Council will next take place in May 2017.

Role of the Highland Councillor



- The role of the Highland Councillor involves:
 - Representing their community – listening to and representing the views and interests of their ward at a local and national level
 - Contributing to policy making and policy scrutiny:
 - Councillors will agree the policies and strategies of the Council
 - Officers will make recommendations in reports to implement the Council's priorities - these are considered by Councillors in committee meetings
 - Officers then implement the policies agreed by Councillors.
 - Will attend meetings of the Community Council to provide updates and reports

Role of the Ward Manager



The role of the Ward Manager involves:

- Administer Ward Business meetings and Ward Forums
 - Emergency Planning
 - Elections
 - Community Planning
 - Asset Management
 - Community Benefit
-
- Act as a liaison officer for Community Councils within their ward
 - If you don't know who to contact the Ward Manager will put you in touch with the person you require

Section 8: Community Engagement



- [How to Engage with your Community](#)
- [Encouraging Representation and Involvement](#)
- [Communication with the Council](#)
- [Getting Involved in other Forums](#)
- [Community Council Forums](#)

How to engage with your community



- A key role for Community Councils is to co-ordinate and collate the views of the local community – this will be on a wide range of issues e.g. planning, licensing, consultations, issues important to the local community.
- The Community Council will be faced with a wide range of issues and you will need to determine what are the priorities for your community. This should be based upon consultation and engagement with the local community.

How to consult:

- This will differ depending upon your community. Community Councils in Highland represent very different communities e.g. some populations of only a few hundred, others several thousand – therefore a one size fits all approach will not work.
- Community Councils need to consider what is appropriate for their community. For example if you represent a small community then letters to each household may be appropriate for a major issue, in a large community this wouldn't be possible and perhaps a public meeting would be better.

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How to engage with your community cont.



- Proportionality is important but Community Councils must gather and consider the views of the community.
- At times there will be two differing views. The Community Council should consider both points of view.
- At times there may be conflict between an individual Community Councillor's own personal view and that of the community. Community Councillors need to ensure that the views of the community take precedence.
- It is important that the Community Council is accessible and that your community knows how to contact you. Displaying the contact details prominently within the local community is important.
- Community Councils should encourage comments, views and opinions from the community. This will help to shape the policies and approaches of the Community Council.

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How to engage with your community cont.



Methods for consultation and engagement :

- Newsletters
- Public meetings
- Displaying information in the local community
- Articles in community newspapers
- Leaflets (depending on size)

Technology

- Community Councils are beginning to consider developing websites or using Facebook to get information out to their communities and this can also be a useful way of consulting.
- [Spanglefish](#) is a platform used by a number of community groups to build websites and is reported to be straightforward and easy to use.
- Creating a database of community contacts (with appropriate permissions) and sending e-bulletins

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How to engage with your community cont.



- Community Councils should consider the [National Standards for Community Engagement](#) when consulting with their community.
- The Standards are a best practice tool which set out 10 key standards for considering when undertaking community engagements.
- The 10 standards include:
 - *Involvement, Support, Planning, Methods, Working Together, Sharing Information, Working with Others, Improvement Feedback, Monitoring and Evaluation*
- The Standards and the supporting documentation may assist Community Councils in consulting with their community.
- The Standards can be accessed here:
www.scdc.org.uk/what/national-standards/10-national-standards/

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Encouraging Representation and Involvement



- Community Councils represent the whole community therefore they need to try and access the views of a wide range of people and ensure that people are not restricted from presenting their views.
- It is important for Community Councils to remember that the loudest voices are not always representative of the community – it is the role of the Community Council to consider the views of the whole community.
- Community Councils have traditionally struggled to get young people involved. The voting age has been lowered to 16 to try and overcome this. Some Community Councils have encouraged young people by having a young person as an associate member, a youth sub-committee or a local member of [Highland Youth Parliament](#)– the elected body of young people in Highland – as part of the Community Council.

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Communication with the Council



- The main contact for Community Councils and the Highland Council will be through the Ward Manager and the local Councillors.
- As already outlined, the Community Council will send their agendas, minutes and accounts to the Ward Manager.
- The Community Council may well develop contacts in other Services e.g. planning, roads but if you don't know who to contact the Ward Manager will put you in touch with the person you require.
- In addition to Community Councils being consulted on planning and licensing matters, they may be consulted upon structural changes to organisations through community planning processes e.g. Integrating Care in the Highlands, Budget Consultations – as community representatives Community Councils have a very important role.

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Getting involved in other forums



- Ward Forums take place across the Highlands to bring together the local community and public agencies to discuss what is happening in that area. Ward Forums are one of the main focal points for community planning across the area. Community Councils are key partners on these forums. The issues discussed at Ward Forums will vary from area to area depending upon what issues are important for communities at any time.
- Community Councils may also get involved in other groups locally e.g. the Community Council being represented on a local development group.
- Community Councils may also be asked by other public agencies to be involved if consulting on issues of local interest.

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Community Council Forums



- Community Council Forums already exist in some parts of Highland. Forums are run by Community Councils for Community Councils. They vary in size as they tend to comprise of Community Councils within a geographical area.
- There are a number of benefits of Community Council Forums:
 - Provide an opportunity for community councils to come together and share experience and information
 - Provide a good conduit through which training can be delivered and shared
 - To be a voice for Community Councils within an area
 - To provide a forum for discussion of matters of common interest to Community Councils
- Should you be interested in setting up a Community Council forum in your area, please get in touch with your Ward Manager who will be able to assist in putting you in touch with other Community Councils in your area.

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Section 9: Further Training and Support



- [The Highland Council Support](#)
- [Third Sector Support](#)

The Highland Council Support



- After each four year election, the Council will run a series of training events for Community Councils.
- To complement this, this online training package has been developed to cover the main areas of Community Council operation and interest.
- There is also a section for [Frequently Asked Questions](#) on the Council's website which outlines answers to some of the commonly asked questions by Community Councils.
- Should a Community Council have any concerns or queries, you should contact your Ward Manager who will be able to assist you directly or advise who else could do so.

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Third Sector Support



- In addition to support from The Highland Council, Community Councils can seek training support from the Highland Third Sector Partnership Interface(former CVS organisations).
- These organisations can offer advice and training in a number of areas including:
 - Setting up an arm's length organisation
 - Chairing a meeting
 - Financial record keeping
 - Minute taking
- **Contact: Highland Third Sector Interface**
<http://www.highlandtsi.org.uk>



Thank you for completing the Highland Community Councils' online training course

Should you have any queries following completion of this course please contact your Ward Manager.

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