

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 28 October 2011 11:37  
**To:** [REDACTED]  
**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils  
**Attachments:** Scheme 2009.doc

Dear [REDACTED]

Thank you for your email and further to the points you have raised:

Nominated members participate in the collective decisions of the CC. They also have their own independent views and it would be expected they they would express their own views outwith meetings of the CC. It would also be expected that in some instances these views would be not be in line with the views expressed by the CC. The community council has no control or censorship over the activities of local interest groups acting outwith their meetings. As I mentioned in my previous email, it wouldn't be appropriate for the CC to censure PPAG as they are acting on their own behalf and haven't misrepresented the community council.

I have attached the Scheme for Community Councils which covers the rules and regulations governing community councils which may be of interest to you.

Regards

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 24 October 2011 18:06  
**To:** [REDACTED]  
**Subject:** FW: letter from PFANS, Portobello and Towerbank Parent Councils

Dear [REDACTED] as copied me in to your email response to his query. I write as an independent community council member for Portobello and also a member of the High School Parent Council and PFANS. The matter sought to be raised is not the issue of the 'siting of the new school'. I attach a copy of the email sent to John today which explains what the intended agenda item is.

The issues are:

1. Is a community council entitled to consider the position it should adopt where known written factual misrepresentations are made by a council member organisation in public fund raising materials on any community matter?
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3. If no undertaking is given to correct a misrepresentation of the above sort is the community council entitled to censure or otherwise take any sanctions against the relevant member organisation?
4. In the specific circumstance narrated in this case as set out in my letter to John, and the letter from the 3 signatories, should the council be entitled to consider asking the member organisation to undertake to correct a misrepresentation of the above sort which failing can the council consider applying any of the above sanctions?

I would be confident this is a matter of significant interest to the rest of the community. It is certainly a matter of importance to Portobello High School Parent Council, PFANS and Towerbank Parents Council. These were the only 3 signatories to the letter sought and in themselves represent a large proportion of the Portobello community. Could you let me know the position on these points as a matter of urgency as the council meeting to which this relates is next Monday. If the community council is not entitled to discuss any of the 4 issues could you please confirm the specific regulation governing each point and how it applies. The first 3 issues are matters of principle it is only the fourth issue that is specific to a particular organisation and statements made to the community to get funds from the community.

Best wishes

[REDACTED]

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**From:** [REDACTED]

23/11/2011

**Sent:** 24 October 2011 17:12

**To:** [REDACTED]

**Cc:** [REDACTED]; Brenda Holony; Nick Stroud; Diana Cairns

**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

[REDACTED] thanks for the quick reply. I will take up the matter direct with Eileen Hewitt; her response is directed to the issue of the siting of the school which I specifically do not seek to raise. The issue is not at all the position of the school; it is the question of appropriate behaviour by community council member organisations when communicating on community issues. I find it difficult to understand why that would not be a matter for the community council to consider. I appreciate in the mean time the matter will not go on the community council agenda but trust that if on clarification the matter is deemed appropriate for the council it will be added to the agenda for the next meeting.

Regards

[REDACTED]

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**From:** [REDACTED]

**Sent:** 24 October 2011 16:49

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** Fw: letter from PFANS, Portobello and Towerbank Parent Councils

Dear [REDACTED]

In anticipation that the 3 groups mentioned above would wish this letter to be raised at the next PCC meeting, I sought advice from [REDACTED] the Council's community council liaison officer. My email to her, and her reply to me are given below in full.

In the light of her reply, I therefore feel that it would be completely inappropriate for the item or motion you suggest to be included in next Monday's agenda.

I therefore do not think it would be appropriate to circulate the email you have just sent me to community council members although I will circulate it to the office bearers mentioned above.

I realise that this is not the outcome you would wish but I hope you will appreciate that I have sought the appropriate advice from the Council as to how this situation should be approached and intend to act upon the advice that has been given.

Best wishes,

[REDACTED]

----- Original Message -----

**From:** [REDACTED]

**To:** [REDACTED]

**Sent:** Tuesday, October 18, 2011 5:35 PM

**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

Hi [REDACTED]

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Regards

[REDACTED]

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**From:** [REDACTED]

**Sent:** 16 October 2011 11:15

**To:** [REDACTED]

**Subject:** Fw: letter from PFANS, Portobello and Towerbank Parent Councils

**Importance:** High

23/11/2011

[REDACTED]

You are probably aware of the controversy in Portobello over the siting of the new Portobello High School. The site the Council has chosen is Portobello Park which is common good land. This decision has caused great division in the community.

The PCC, with the agreement of all of its members, took a neutral stance when responding to the planning application, now granted, as we felt that this reflected both the split on this issue on the PCC and within the community.

One of the groups represented on the PCC, PPAG, ( Portobello Park Action Group ) who wish to save the park have raised an action at the Court of Session against the Council contesting their decision to build on common good land. This has angered many in the community, including the main group campaigning for a new school on this site, PFANS, ( Portobello For a New School ) They are not represented on the PCC but their main campaigner is as group representative of Towerbank School Council.

PFANS supporters wish the PPAG court action to be an agenda item on next month's PCC agenda and I, as Chair, have said no as that I feel is not a PCC issue but a matter between PPAG and the Council.

Now PFANS and Towerbank School Council want the PCC to debate a motion of censure regarding PPAG at the next PCC meeting, largely relating to the content of the PPAG web site. ( See attachment. )

My view is that the website of a group represented on a community council is solely the responsibility of that group and is not a topic that should be debated at a community council meeting. Just as the PCC was neutral over the planning application for the school itself, I feel we should continue to be neutral in all other matters regarding the new school and that the PCC should not even discuss a motion of censure regarding one of its group members.

I would welcome your advice on this and on the way I propose to handle this situation.

Apologies this is such a long email but it is a complex situation. A prompt reply would be greatly welcomed.

Regards,

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[REDACTED]

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**From:** [REDACTED]  
**Sent:** 28 October 2011 13:29  
**To:** [REDACTED]  
**Subject:** FW: letter from PFANS, Portobello and Towerbank Parent Councils

[REDACTED]

Do you think it is worth getting back to [REDACTED] along the following lines?

If a nominated member has misrepresented the view of the community council then this would be a matter for the CC to deal with. If there are concerns about the content of a nominated group's website, these concerns should be raised directly with the group.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Fri 28/10/2011 12:38  
**To:** [REDACTED]  
**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

Hi [REDACTED]

Thanks I have had a quick look at this. The appendix on conduct states of representatives under 'Honesty and integrity' - 'You have a duty to act honestly'. As I understand what you are saying we are entitled to consider how to deal with issues of honesty within council meetings as a matter of principle and how we should respond, as a matter of practice to a breach of that principle **in our meetings**. Could you please confirm if I am correct in that.

Beyond the principle I note from the Scheme rules '*The general purpose of community councils is to act as a voice for their local area. This will involve them articulating the views and concerns of local people in their area on a wide range of issues of public concern*'. A group, one of our represented groups as it happens, has started trying to raise large sums of money from the community saying they represent the 'significant majority' of the community when they have, to put it at its kindest, no basis for that assertion. They say a school being built means a golf course will be lost when the golf course is to be kept; they say the whole area will be built over when most of the area is not being built on. Community members being asked to give money on this basis is, I know as a matter of fact, an issue of public concern here on which many, many local people want to have their voice heard and articulated. **This is not raising an issue about the school. It is raising an issue about how to respond to the issue of a group misleading the community to raise funds.** It seems to me I have every right to raise that issue on behalf of the very large number of local people who do not want the community to be misled. It stands fully within our 'general purpose'. I have had discussions at the community council in the past which have related to issues of honesty to, and within, the community. It would be wholly inconsistent to maintain that issues of honesty and integrity matter within council meetings but do not matter within the community. I trust on that basis we can agree that this issue can be raised

I am sorry to land you with this but the Scheme and principles are perfectly clear.

Regards

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 28 October 2011 11:37  
**To:** [REDACTED]  
**Subject:** R : letter from PFANS, Portobello and Towerbank Parent Councils

Dear Mr [REDACTED]

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**Subject:** FW: letter from PFANS, Portobello and Towerbank Parent Councils

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Best wishes

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**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

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Regards

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**Sent:** 24 October 2011 16:49  
**To:** [REDACTED]

23/11/2011

**Cc:** [REDACTED]  
**Subject:** Fw: letter from PFANS, Portobello and Towerbank Parent Councils

Dear [REDACTED]

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**Sent:** 16 October 2011 11:15  
**To:** [REDACTED]  
**Subject:** Fw: letter from PFANS, Portobello and Towerbank Parent Councils  
**Importance:** High

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\*\*\*\*\*

Cathy Cherizard

**From:** [REDACTED]  
**Sent:** 01 November 2011 17:58  
**To:** [REDACTED]  
**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

[REDACTED]

Further to your email, the CC does not have control or responsibility for the actions of nominated groups. If a nominated member from a local interest group misrepresents the position adopted by the CC then this would be a matter for the CC to deal with. If there are concerns about the activities or conduct of the nominated group then these concerns should be raised directly with the group.

Regards

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 01 November 2011 10:59  
**To:** [REDACTED]  
**Subject:** FW: letter from PFANS, Portobello and Towerbank Parent Councils

[REDACTED] for the avoidance of doubt I left this at our meeting last night but would want to sort the position this week. I look forward to hearing from you.

Regards

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 28 October 2011 12:38  
**To:** [REDACTED]  
**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

Hi [REDACTED]

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[REDACTED]

**THE CITY OF EDINBURGH COUNCIL**  
**SCHEME FOR COMMUNITY COUNCILS**

**1. Introduction**

Community councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, which produced the current system of unitary local authorities, also made provision under Section 22 for the continuation of community councils. This legislation provides the legal framework for community councils.

**2. Statutory Purposes**

The statutory purposes of the community councils established under this Scheme are set out in Section 51 (2) of the Local Government (Scotland) Act 1973, 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"*

**3. The Role and Responsibilities of Community Councils**

The general purpose of community councils is to act as a voice for their local area. This will involve them articulating the views and concerns of local people in their area on a wide range of issues of public concern and make representations to the City of Edinburgh Council, other public sector bodies and private agencies on matters within their sphere of interest.

Community councils have a statutory right to be consulted on planning applications. They are competent objectors to all licence applications lodged with the Council in terms of the Civic Government (Scotland) Act 1982, which includes applications for House in Multiple Occupation licences.

Community councils are the key community representative bodies within the local community planning arrangements across the city of Edinburgh. Community councils have representation on each of the 12 Neighbourhood Partnerships and have responsibility for the decisions of the Neighbourhood Partnerships covering the community council area they represent.

Community councils should engage widely with their local communities to represent their views on the Neighbourhood Partnerships. It is essential that these views are demonstrated to be representative of the community and, accordingly, the community council will have in place recognised consultative mechanisms to validate their views; and devise strategies to secure greater involvement by all sectors of the community.

Community councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objectives of their constitution.

Overall, community councils should engage with and establish positive working relationships with the City of Edinburgh Council and other agencies. In carrying out their activities community councils must at all times adhere to the law and the Community Councillors' Code of Conduct.

Community councils have a duty under statute to represent the views of their local community. It is vital therefore, that they reflect the broad spectrum of opinion and interests of all sections of the community. In order to fulfil their responsibilities as effective and representative, community councils shall: -

- Inform the community of the work and decisions of the community council by posting agendas and minutes of meetings in public places, such as libraries and notice boards; and subject to provisions contained within the Data Protection Act 1998, provide contact details of community council members.
- Agendas and whenever possible draft minutes of community councils' meetings should be circulated at least seven days before the date of the meeting to enable their circulation to the local authority, relevant elected members, council staff and other parties.
- Seek to broaden both representation and expertise by enlisting associate members onto the community council for specific projects/issues.
- Make particular efforts to encourage young people and other under-represented groups to attend/participate in community council meetings and activities to ensure equality of opportunity in the way the community council carries out its functions.
- Maintain proper financial records and present financial reports at community council meetings.
- Liaise closely with the City of Edinburgh Council on any change in membership (eg resignations, co-option) and circumstances.

A community council shall be non-party political in all its activities.

#### **4. Community Council Areas**

Edinburgh is divided up into 46 community council areas and community councils may be established to serve and represent these areas identified in Appendix 1 to this Scheme.

## **5. Membership of Community Councils**

### **Elected and Nominated Representatives**

The maximum number of elected and nominated representatives for each community council is specified in Appendix 1 to this Scheme.

The minimum age to stand for election as a community councillor is 16 years. Qualification for elected membership is by residency within the specific community council area. Elected representatives must also be named on the electoral register for the community council area in which they reside. Nominated representatives need not appear on the electoral register for the community council provided that they remain voluntary, active members of the nominating group. Some young people under the age of 16  $\frac{3}{4}$  may not appear on the electoral register so registering can be confirmed by other means such as school registration.

### **Ex Officio Representatives**

Local Authority Councillors, MPs, MSPs and MEPs whose wards fall wholly or partly within the geographical area of the community council area shall be ex-officio members of the community council.

Ex-officio representatives shall not be eligible to be elected or nominated representatives and shall have no entitlement to vote, move motions or amendments or hold office.

### **Associate Representatives**

Associate representatives may be appointed by a community council where there may be a need for individuals with particular skills or knowledge. Associate representatives have no entitlement to vote, move motions or amendments or hold office. They may serve for a fixed period as determined by the community council or for the term of the community council which has appointed them. Associate representatives may include for example someone with expertise in IT, communication or environmental issues.

## **6. Community Council Elections**

### **Eligibility**

Candidates wishing to stand for election to a community council must reside in the local area and be named on the Electoral Register for that area. The same criteria will apply to voters in a community council election.

Sixteen and seventeen year olds residing in the community council area and named on the Electoral Register for that area and subject to the provisions in Clause 5 above are also entitled to both stand for the community council and vote in any election.

Any community council member who no longer resides within the community council area will have their membership terminated from that community council from the date their residency ceases.

Any individual who is elected to serve on the City of Edinburgh Council, or the Scottish, UK or European parliament shall be ineligible to stand for election to a community council.

### **Nominations and Elections**

The first election for representatives of a community council shall be held in the event of not less than 20 local electors submitting a written request to the City of Edinburgh Council for the establishment of a community council.

The second and subsequent elections shall be held on a three-yearly-cycle out with the Local Government election year, in the months of September and October on dates to be determined by the City of Edinburgh Council. However the City of Edinburgh Council may defer the second election year until the next election cycle in the case of a community council established within 18 months of the next triennial elections for all community councils.

All elections will be administered by the City of Edinburgh Council.

### **Returning Officer**

The City of Edinburgh Council will approve an independent Returning Officer for community council elections. The independent Returning Officer must not be a current elected or nominated member of the community council and once appointed shall be ineligible to stand for election to the community council.

### **Nominations for Elected Representatives**

Individuals seeking election to a community council should be nominated by a proposer and seconder, both of whom must be on the electoral register for the community council area. Each elector may propose one nominee and second one nominee. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.

A nomination form should be completed and submitted on the date set down in the election timetable. No forms submitted after that date will be accepted.

### **Election Process**

At the end of the nomination period:

1. If the number of candidates is more than HALF but less than the maximum permitted membership as specified for the community council area in Appendix 1 of this scheme, the candidates will be declared elected and no ballot will be held.

2. If the number of candidates exceeds the number of available places a ballot will take place. At the ballot, each voter shall be entitled to vote for candidates up to the number of vacancies for elected members on the community council, but cast no more than one vote for each candidate. For example if there are 26 candidates and 18 vacancies for elected members each voter can vote for up to 18 candidates but cast only one vote for each candidate.

3. If the number of candidates elected, is below **HALF** of the total maximum permitted membership, as specified for the community council area, no community council will be established at that time. However, this does not prevent a further request from 20 electors to the City of Edinburgh Council to make arrangements for the establishment of a community council under the terms of Section 52 (7) of the Local Government (Scotland) Act 1973.

### **Method of Election**

Elections shall be conducted by secret ballot of local electors, organised by the Returning Officer approved by the City of Edinburgh Council in accordance with the 2007 Scottish Local Election Rules but subject to modification and simplification as deemed necessary by the City of Edinburgh Council.

### **Appointment of Nominated Representatives**

Nominated representatives may be appointed by local interest groups registered with the City of Edinburgh Council.

The first appointments shall be made at a joint meeting of the interest groups organised by the Returning Officer in accordance with the procedures set out in Appendix 2 to this Scheme.

Nominated representatives shall cease to be members of the community council if they cease to be a member of the nominating interest group.

### **Filling of casual places/vacancies for elected members between elections**

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

- Death of an elected community council member;
- When an elected community council member submits her/his resignation;
- When an elected community council member ceases to be resident within the community council area;
- When an elected community council member has her/his membership disqualified;
- Unreasonable non-attendance by an elected community council member at meetings for a period of six months.

If vacancies arise on a community council between elections, it will be at the discretion of the community council whether to fill the vacancy. Filling a vacancy can be undertaken either through the process of co-option or depending on circumstances, by an interim election. However, should circumstances arise that leads to the number of elected community council members to fall below **HALF** of the maximum permitted elected membership, the City of Edinburgh Council shall be informed and shall make arrangements for an interim election to be held.

Guidance on the procedure for the filling of casual vacancies is contained within the model constitution.

### **Co-opting members through the casual vacancy process**

Members who are co-opted through the casual vacancy process must be eligible for membership of the community council as detailed in Section 5 of the Community Council Scheme. They must be elected onto the community council by a two-thirds majority of the elected and nominated community council members present. Such co-opted members shall have full voting rights, with the exception of voting on co-option of new members, and will serve until the next round of elections.

The number of co-opted members may not exceed a **THIRD** of the maximum permitted elected community council membership.

### **Constitution**

Newly established community councils shall be supplied with a Model Constitution by the Council, for adoption at their inaugural meeting.

## **7. Equality & Diversity**

Community councils must ensure that in all their activities they seek to eliminate discrimination and promote equality of opportunity and good relations between all people within their community in accordance with the guidance provided to community councils.

## **8. Disqualification of Membership**

Disqualification of membership is automatic under the following circumstances:

- Relocation which renders invalid the residency qualification for membership;
- Failure to attend any community council meeting, with or without submitting apologies, throughout a period of 6 months.

If absence is due to ill health or any other reasonable circumstance eg planned holidays, work shift patterns etc, an approved leave of absence not

exceeding 6 months for community council members may be approved at the discretion of the community council.

Registered interest groups should ensure that their nominated representatives conform to the clause above.

Community council members shall comply with the Code of Conduct as attached as Appendix 3 to this Scheme. Community council members who fail to comply with the Code of Conduct may be suspended or dismissed from the position of community council member by action of the community council or by action of the City Council.

## **9. Meetings**

The first meeting of a community council following the election and upon establishment of a community council, will be called by the Returning Officer or by a Deputy Returning Officer approved by the City of Edinburgh Council. The meeting will take place within 21 days of that date, or as soon as practicable thereafter. The frequency of meetings will be determined by each community council, subject to a minimum of one annual general meeting and 6 ordinary meetings being held each year. The annual meeting shall be held in the month of May of each year.

The quorum for community council meetings shall be at least one third of the current voting membership of a community council, or 3 voting members, whichever is the greater.

An outline of the conduct of business that community councils should adhere to when holding ordinary, special and annual general meetings is contained within the Model Standing Orders.

## **10. Liaison with the City of Edinburgh Council**

In order to help facilitate the effective functioning of community councils, the City of Edinburgh Council has identified an officer to act as a Liaison Officer with community councils.

Community councils may make representations to the City of Edinburgh Council and other public and private agencies, on matters for which it is responsible and which it considers to be of local interest. Representations should be made, in the case of statutory objections, such as planning or licensing matters, to the appropriate City of Edinburgh Council officer. On issues where a department is consulting with community councils, representations should be made to the appropriate departmental officer.

Community councils shall provide copies of their agendas and minutes to the Council via the City of Edinburgh Council's named liaison officer.

The City of Edinburgh Council and community councils shall seek actively to keep each other well informed on matters of mutual interest.

## **11. Resourcing a Community Council**

The City of Edinburgh Council shall provide an administrative grant to community councils to assist with the operating costs of the community council. The grant is based on a standard lump sum payment plus an additional per capita contribution related to the local electorate for that area. Community councils are discouraged from accumulating a surplus at the end of the financial year amounting to twice the amount of annual grant from the City of Edinburgh Council, unless such surpluses are dedicated to specific projects designed to elicit community opinion on local issues or otherwise support community needs.

Each community council, at its Annual General Meeting, shall appoint a suitably qualified person to audit the community council's accounts. (This should be someone who is independent from the community council with a financial background, though not necessarily a qualified accountant).

The financial year of community councils shall be the same as that of the City of Edinburgh Council (ie 1 April to 31 March) and the audited accounts of the community council shall be submitted for approval to the Annual General Meeting.

Each community council shall establish a bank account and shall submit its audited accounts to the City of Edinburgh Council by the 1<sup>st</sup> November each year in respect of the previous financial year and no grant may be paid by the City of Edinburgh Council until that community council has submitted its annual accounts.

The annual accounts of each community council shall be independently examined by at least one examiner appointed by the community council, but who is not a member of the community council. A copy of the independently examined statement of accounts/balance sheet shall be forwarded as soon as the statement is approved, to a named officer of the City of Edinburgh Council who may, at their discretion and in consultation with the Council's Chief Financial Officer, request the community council to produce such records, vouchers and account books as may be required.

Each community council shall have the power to raise its own financial resources for schemes, projects and all other purposes consistent with its functions.

Each community council shall be eligible to apply for grants for suitable projects through the City of Edinburgh Council's grant system.

The City of Edinburgh Council shall determine any additional support services/resourcing, such as: photocopying and distribution of community council minutes and agendas; and free lets of halls for community council meetings, to suit local requirements.

The City of Edinburgh Council's Liaison Officer shall facilitate advice and assistance to community councils and arrange for the establishment of a training programme for community councils on: the duties and responsibilities of community council office bearers; the role of community councils; the functions of the City of Edinburgh Council; and other relevant topics.

## **12. Code of Conduct**

The Code of Conduct in Appendix 3 sets out the standards and principles of conduct that community councils are required to adhere to in performance of their duties.

## **13. Dissolution of a Community Council**

The terms for dissolution of a community council are contained within the Model Constitution.

If a community council fails to hold a meeting for a period of 3 consecutive prescribed meeting dates; or its membership falls below the prescribed minimum for a period of 3 consecutive prescribed meeting dates, during which time the community council takes action to address the situation, the City of Edinburgh Council may take action to dissolve that community council.

## THE CITY OF EDINBURGH COUNCIL - COMMUNITY COUNCILS

	Name of Council	Total Members	Elected Members	Nominated Members
1	Balerno	18	12	6
2	Colinton	18	12	6
3	Corstorphine	24	16	8
4	Craigtinny/Meadowbank	21	14	7
5	Craigleith/Blackhall	18	12	6
6	Craiglockhart	15	10	5
7	Craigmillar	24	16	8
8	Cramond & Barnton	22	15	7
9	Currie	15	10	5
10	Drum Brae	21	14	7
11	Drylaw/Telford	15	10	5
12	Fairmilehead	15	10	5
13	Firrhill	18	12	6
14	Gilmerton/Inch	24	16	8
15	Gorgie/Dalry	21	14	7
16	Grange/Prestonfield	24	16	8
17	Granton & District	18	12	6
18	Leith Harbour & Newhaven	18	12	6
19	Hutchison/Chesser	15	10	5
20	Juniper Green	15	10	5
21	Kirkliston	15	10	5
22	Leith Central	24	16	8
23	Leith Links	18	12	6
24	Liberton & District	18	12	6
25	Longstone	21	14	7
26	Marchmont and Sciennes	21	14	7
27	Merchiston	24	16	8
28	Morningside	21	14	7
29	Muirhouse/Salvesen	18	12	6
30	Murrayfield	18	12	6
31	New Town/Broughton	24	16	8
32	Northfield/Willowbrae	21	14	7
33	Old Town	18	12	6
34	Portobello	30	15	15
35	Queensferry and District	15	9	6
36	Ratho and District	15	10	5
37	Sighthill, Broomhouse and Parkhead	22	15	7
38	Silverknowes	15	10	5
39	Southside	18	12	6
40	Stenhouse, Saughton Mains & Whitson	18	12	6

41	Stockbridge/Inverleith	21	14	7
42	Tollcross	18	12	6
43	Trinity	18	12	6
44	West End	15	10	5
45	West Pilton/West Granton	18	12	6
46	Wester Hailes	18	12	6

## THE CITY OF EDINBURGH COUNCIL

### COMMUNITY COUNCILS

#### PROCEDURE FOR THE APPOINTMENT OF COMMUNITY COUNCIL NOMINATED MEMBERS

1. The maximum number of nominated members for each community council is listed in Appendix 1.
2. Local interest groups must first apply to be registered with the City of Edinburgh Council on the approved forms which will be available from the Community Council Liaison Officer.

Registration for community council purposes will be accepted from any voluntary, local interest group provided that it is a constituted group, representative of that community and complies with the criteria issued to local interest groups.

The City of Edinburgh Council will determine the eligibility of the groups seeking registration. Where registration is refused, reasons will be provided.

Where a group seeks to be registered for more than one community council area because their local interest extends into those areas, then they may apply to be registered as local interest groups in each area. This application will be considered by the City of Edinburgh Council.

3. Local interest groups may register with the City of Edinburgh Council at any time of the year, but before an election they must reapply to be registered and approved groups as at (4) below.
4. After the Notice of Election has been published only those applications from local interest groups registered by the closing date for delivery of nomination papers for elected members, and subsequently approved by the City of Edinburgh Council, will be accepted.
5. Should the number of nominations exceed the number of places for nominated members on the community council, then a joint meeting for the appointment of nominated members will be held.
6. The date, time and place of the meeting of registered local interest groups will be fixed by the Returning Officer.
7. The Chair of the Joint Meeting will be the Returning Officer duly appointed by the City of Edinburgh Council

8. Each registered local interest group will be entitled to send one voluntary representative to the Joint Meeting.
9. Each registered local interest group will be entitled to nominate one person for election as a nominated representative for the community council. This person must be a named individual. No political party or sectarian affiliations may appear on the nomination paper or on the voting paper.

The representatives of the local interest groups and the elected members of the community council will vote, by ballot, voting up to the number of places to be filled; e.g. 12 nominations for 7 places - each representative may vote for 7 persons out of 12 nominations, with only one vote for each individual.

10. Should the number of registered local interest groups be less than the maximum number of places for nominated members then the Community council can subsequently approve further eligible groups, registered and approved by the City of Edinburgh Council until the full quota has been achieved.
11. The named representatives from local interest groups subsequently elected will become full members of the community council, with entitlement to hold office and vote in business and constitutional matters.

Any casual substitution of a named representative by another representative from the local interest group will not have entitlement to hold office and vote on community council business and will have an observer status.

Any request for permanent substitution by the local interest group should be made in writing to the community council with details of the named individual who is to become the new group representative. Such members will have entitlement to vote and hold office.

## **The City of Edinburgh Council**

### **Code of Conduct for Community Councillors**

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for City of Edinburgh Council councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community councillors, as representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all community councillors and those representing the community council.

#### **Service to the Community**

As a community councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the community council Scheme as set out by the City of Edinburgh Council under the terms of the Local Government (Scotland) Act 1973.

You should establish and reflect, through the community council, the views of the community as a whole, on any issue, irrespective of personal opinion.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. websites, suggestion boxes, community surveys, opinion polls, should, where possible, be made available.

#### **Selflessness**

You should take decisions solely in terms of the interest of the community that you represent. You must not use your position as a community councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

#### **Honesty & Integrity**

You have a duty to act honestly. If you have any private and/or personal interests in a matter for the community council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community.

### **Gifts and Hospitality**

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts above £10 should always be reported to and noted by the secretary of the community council.

### **Objectivity**

In carrying out public business, including award of grants or decisions regarding planning applications you should make decisions on merit and on the basis of information which is publicly known.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and community council and not the interests of a particular political party.

### **Appointments to other bodies**

You may be appointed or nominated by your community council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

### **Accountability**

You are accountable for the decisions and actions that you take on behalf of your community through the community council. You must ensure that the community council uses its resources prudently and in accordance with the law. Any expenses, allowances, or facilities provided for use in your duties as a community councillor must be used strictly for those duties and no other purpose.

Community councillors will individually and collectively ensure that the business of the community council is conducted according to the relevant Scheme of Establishment of Community Councils and this Code of Conduct.

Any breach of the Community Council Scheme as set out by the City of Edinburgh Council under the terms of the Local Government (Scotland) Act 1973 may be reported to the City of Edinburgh Council to determine what action, if necessary, should be taken.

### **Openness**

You have a duty to ensure that your decisions, actions and representations reflect the wishes and views of the community you represent. You should be

open and able to justify your decisions, actions and representations when acting as a member of a community council.

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

### **Leadership**

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the community council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

### **Respect and General Conduct**

Community council members should behave openly and honestly, treating one another in a positive, respectful and non-discriminatory manner. Similarly, you should treat ex officio community council members, staff from City of Edinburgh Council and other agencies as well as members of the community with respect.

Recognition should be given to the contribution of everyone participating in the work of the community council. Equality of opportunity should be given to every participant to have their knowledge, opinions, skills and experience, taken into account with all barriers to participation removed.

Community councillors should ensure that confidential material, including details about individuals, is handled with dignity and discretion and is not used for personal or malicious purposes.

Individually, community councillors should be supportive of the office bearers on the community council and refrain from trying to undermine their confidence or authority. It is unacceptable for community councillors to make personal remarks, make personal attacks or otherwise humiliate the other members either at meetings or in other settings such as internet forums.

You should not act in such a way as to bring yourself or the community council into disrepute through your actions, discussion or communications.

### **Conclusion**

The practical application of these rules is a matter for your judgement but, if in any doubt as to how they should be applied, you should seek advice from the Chairperson or other office bearer of the community council or from an officer of the City of Edinburgh Council.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 28 October 2011 09:51  
**To:** [REDACTED]  
**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils  
**Importance:** High

[REDACTED]

Thanks for making the changes to the email which I will send later this morning. I'm working from home today on 01383 415 667 if there is anything further to discuss.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Fri 28/10/2011 09:35  
**To:** [REDACTED]  
**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

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**From:** [REDACTED]  
**Sent:** 27 October 2011 18:03  
**To:** [REDACTED]  
**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

[REDACTED] Can you let me know if you think the following is okay so that I can get back to [REDACTED] on Friday am.  
Thanks

Dear [REDACTED]

Thank you for your email and further to the points you have raised:

Nominated members participate in the collective decisions of the CC. They also have their own independent views and it would be expected they they would express their own views out with meetings of the CC. It would also be expected that in some instances these views would be not be in line with the views expressed by the CC. The community council has no control or censorship over the activities of local interest groups acting out with their meetings. As I mentioned in my previous email, it wouldn't be appropriate for the CC to censure PPAG as they are acting on their own behalf and haven't misrepresented the community council.

I have attached the Scheme for Community Councils which covers the rules and regulations governing community councils which may be of interest to you.

Regards

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 26 October 2011 09:48  
**To:** [REDACTED]  
**Subject:** FW: letter from PFANS, Portobello and Towerbank Parent Councils  
**Attachments:** letter re misrepresentation by community council member organisations.htm

[REDACTED]

I received the following email from a member of Portobello CC. Would it be possible to have a quick chat about this after our meeting with [REDACTED] this pm?

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 24 October 2011 18:06  
**To:** [REDACTED]  
**Subject:** FW: letter from PFANS, Portobello and Towerbank Parent Councils

Dear [REDACTED] has copied me in to your email response to his query. I write as an independent community council member for Portobello and also a member of the High School Parent Council and PFANS. The matter sought to be raised is not the issue of the 'siting of the new school'. I attach a copy of the email sent to John today which explains what the intended agenda item is.

The issues are:

1. Is a community council entitled to consider the position it should adopt where known written factual misrepresentations are made by a council member organisation in public fund raising materials on any community matter?
2. If the answer to 1 is yes is the community council entitled, as part of any position adopted, to ask a member organisation to undertake to correct any known written misrepresentation on a community issue where the council is satisfied such a misrepresentation has taken place?
3. If no undertaking is given to correct a misrepresentation of the above sort is the community council entitled to censure or otherwise take any sanctions against the relevant member organisation?
4. In the specific circumstance narrated in this case as set out in my letter to John, and the letter from the 3 signatories, should the council be entitled to consider asking the member organisation to undertake to correct a misrepresentation of the above sort which failing can the council consider applying any of the above sanctions?

I would be confident this is a matter of significant interest to the rest of the community. It is certainly a matter of importance to Portobello High School Parent Council, PFANS and Towerbank Parents Council. These were the only 3 signatories to the letter sought and in themselves represent a large proportion of the Portobello community. Could you let me know the position on these points as a matter of urgency as the council meeting to which this relates is next Monday. If the community council is not entitled to discuss any of the 4 issues could you please confirm the specific regulation governing each point and how it applies. The first 3 issues are matters of principle it is only the fourth issue that is specific to a particular organisation and statements made to the community to get funds from the community.

Best wishes

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 24 October 2011 17:12  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

[REDACTED] thanks for the quick reply. I will take up the matter direct with [REDACTED] her response is directed to the issue of the siting of the school which I specifically do not seek to raise. The issue is not at all the position of the school; it is the question of appropriate behaviour by community council member organisations when communicating on community issues. I find it difficult to understand why that would not be a matter for the community council to consider. I appreciate in the mean time the matter will not go on the community council agenda but trust that if on clarification the matter is deemed appropriate for the council it will be added to the agenda for the next meeting.

Regards

[REDACTED]

23/11/2011

**From:** [REDACTED]  
**Sent:** 24 October 2011 16:14  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

**Attachments:** Untitled.pdf

Dear [REDACTED] further to my email below I would confirm the fund raising web site for Portobello Park Action Group continues to maintain the position objected to by Portobello for a New School, Portobello High School Parent Council and Towerbank Parent Council in the **attached letter**. As you know I wholly support the position given in the letter not surprising as I am member of 2 out of 3 of the organisations! The agenda item I would wish to add for discussion at the next community council meeting is as follows:

- **'What position should the community council adopt to known, written factual misrepresentations made by organisations in public fund raising materials where those organisations are affiliated to the council? Have Portobello Park Action Group made known written factual misrepresentations in public fund raising materials and, if so, should they be asked to undertake to remove those misrepresentations or censured if they refuse to undertake to do so?'**

I realise I may be required to ask that this item be added to the agenda. As you know I flagged it up as an issue before the last meeting where we were given less than 12 hours notice of an agenda item from PPAG. The issue of how all of us on the community council make written public representations on facts on any contentious issue is of considerable importance to how we are perceived and trusted by the community. It is also important to have standards to which we expect council members to operate. These things are of particular importance where members of the community are being asked to give money.

My position on the first part of the agenda point will be that if the council is satisfied *any* affiliated member organisation has made this form of misrepresentation that organisation should be asked to immediately remove the misrepresentation and, if an undertaking to do so within a specified period is not given, the council should censure that member and consider the appropriateness of them continuing to be affiliated to the council.

Frankly I find it difficult to see why this would be contentious. We have a duty to the community to support honest communication on community issues. We should not accept any member organisation misrepresenting material facts in public written materials.

I will on the second part of the agenda item argue that PPAG have made known written misrepresentations to raise funds in saying that they speak for the 'SIGNIFICANT MAJORITY' (sic) of the community on this issue, '*the golf course will be lost if the school is built in the park*', and '*housing will be built on the whole area*' of the park. I accept that if the council take the view these are not misrepresentations then my point beyond that is rendered redundant. It is possible someone will convince me of the same thing in which case I would of course not pursue the matter.

As I mentioned in my earlier email I have people I like and respect on both sides of the school issue and I would stress these standards should be applied to all member organisations. In other contexts I have seen that misrepresentation of facts on a matter can cause more ongoing anger than the matter itself. I would think it inappropriate to make factual misrepresentations whoever was responsible. I am emphatically not asking to readdress the issue of where any new school should be located.

Could you please confirm this email has been circulated on to community council members so they are aware of the letter and my position in advance of the meeting.

Regards  
[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 15 October 2011 10:45  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** letter from PFANS, Portobello and Towerbank Parent Councils

Hi [REDACTED] I attach a copy of a letter signed and delivered by the above to PPAG. You will guess that I am entirely supportive of the position adopted. I have people I like and respect on both sides of the school issue. I would think it inappropriate to make factual misrepresentations whoever was responsible.

I appreciate it will be for the council to decide if any motion is heard and if it should be at the next meeting. I am alerting you, [REDACTED] and [REDACTED] to the possibility as a matter of courtesy and openness. I am away for a week from today but am happy

to discuss this further on my return. I am hoping it won't be necessary.

Regards

**[REDACTED]**

[REDACTED]  
**From:** [REDACTED]  
**Sent:** 24 October 2011 10:16  
**To:** [REDACTED]

@ [REDACTED]

**Cc:** [REDACTED]  
**Subject:** Last chance to comment

Dear All

The closing date for comments on the CC training and support survey is Wednesday 26 October

<http://www.surveymonkey.com/s/C85B6G2>

Thanks to everyone who has already replied.

Regards

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 10 October 2011 17:44  
**To:** [REDACTED]

**Cc:** [REDACTED]  
**Subject:** CC training and support

Dear CC Office-bearers

Please let us know your vision for CCs and your views on training and support by completing the following questionnaire.  
**Secretaries** - could you forward the link to other members of your community council.

<http://www.surveymonkey.com/s/C85B6G2>

Feedback will help to develop a future support programme for CCs.

Many thanks

[REDACTED]

[REDACTED] Community Council Liaison & Development Officer | Services for Communities | Waverley Court | Level C:4 |  
4 East Market Street | EDINBURGH | EH8 8BG | Tel: 469 3838 | [www.edinburgh.gov.uk/communitycouncils](http://www.edinburgh.gov.uk/communitycouncils)

23/11/2011

[REDACTED]

**From:** [REDACTED]  
**Sent:** 18 October 2011 17:36  
**To:** [REDACTED]  
**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

Hi [REDACTED]

In my view it would not be appropriate to include an item on 'PPAG court action' on the CC agenda as this would mean overturning a decision made by the community council to remain neutral on the issue of the siting of the new school. I wouldn't be appropriate for the CC to censure PPAG as they are acting on their own behalf and haven't misrepresented the community council.

Regards

[REDACTED]

**From:** [REDACTED]  
**Sent:** 16 October 2011 11:15  
**To:** [REDACTED]  
**Subject:** Fw: letter from PFANS, Portobello and Towerbank Parent Councils  
**Importance:** High

[REDACTED]

You are probably aware of the controversy in Portobello over the siting of the new Portobello High School. The site the Council has chosen is Portobello Park which is common good land. This decision has caused great division in the community.

The PCC, with the agreement of all of its members, took a neutral stance when responding to the planning application, now granted, as we felt that this reflected both the split on this issue on the PCC and within the community.

One of the groups represented on the PCC, PPAG, ( Portobello Park Action Group ) who wish to save the park have raised an action at the Court of Session against the Council contesting their decision to build on common good land. This has angered many in the community, including the main group campaigning for a new school on this site, PFANS, ( Portobello For a New School ) They are not represented on the PCC but their main campaigner is as group representative of Towerbank School Council.

PFANS supporters wish the PPAG court action to be an agenda item on next month's PCC agenda and I, as Chair, have said no as that I feel is not a PCC issue but a matter between PPAG and the Council.

Now PFANS and Towerbank School Council want the PCC to debate a motion of censure regarding PPAG at the next PCC meeting, largely relating to the content of the PPAG web site. ( See attachment. )

My view is that the website of a group represented on a community council is solely the responsibility of that group and is not a topic that should be debated at a community council meeting. Just as the PCC was neutral over the planning application for the school itself, I feel we should continue to be neutral in all other matters regarding the new school and that the PCC should not even discuss a motion of censure regarding one of its group members.

I would welcome your advice on this and on the way I propose to handle this situation.

Apologies this is such a long email but it is a complex situation. A prompt reply would be greatly welcomed.

Regards,

[REDACTED]

23/11/2011

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 17 October 2011 11:41  
**To:** [REDACTED]  
**Subject:** FW: letter from PFANS, Portobello and Towerbank Parent Councils  
**Importance:** High  
**Attachments:** draft formal letter from Pfans to ppag (3) (3).doc

Hi [REDACTED]

If you are around tomorrow, can we have a quick chat re the following query.

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 16 October 2011 11:15  
**To:** [REDACTED]  
**Subject:** Fw: letter from PFANS, Portobello and Towerbank Parent Councils  
**Importance:** High

[REDACTED]

You are probably aware of the controversy in Portobello over the siting of the new Portobello High School. The site the Council has chosen is Portobello Park which is common good land. This decision has caused great division in the community.

The PCC, with the agreement of all of its members, took a neutral stance when responding to the planning application, now granted, as we felt that this reflected both the split on this issue on the PCC and within the community.

One of the groups represented on the PCC, PPAG, ( Portobello Park Action Group ) who wish to save the park have raised an action at the Court of Session against the Council contesting their decision to build on common good land. This has angered many in the community, including the main group campaigning for a new school on this site, PFANS, ( Portobello For a New School ) They are not represented on the PCC but their main campaigner is as group representative of Towerbank School Council.

PFANS supporters wish the PPAG court action to be an agenda item on next month's PCC agenda and I, as Chair, have said no as that I feel is not a PCC issue but a matter between PPAG and the Council.

Now PFANS and Towerbank School Council want the PCC to debate a motion of censure regarding PPAG at the next PCC meeting, largely relating to the content of the PPAG web site. ( See attachment. )

My view is that the website of a group represented on a community council is solely the responsibility of that group and is not a topic that should be debated at a community council meeting. Just as the PCC was neutral over the planning application for the school itself, I feel we should continue to be neutral in all other matters regarding the new school and that the PCC should not even discuss a motion of censure regarding one of its group members.

I would welcome your advice on this and on the way I propose to handle this situation.

Apologies this is such a long email but it is a complex situation. A prompt reply would be greatly welcomed.

Regards,

[REDACTED]

15/10/11

Dear Sir/Madam

**Misrepresentations made to obtain financial support for petition proceedings in the Court of Session.**

We write to you as chair of Portobello Park Action Group on behalf of the undernoted organisations. We refer to the petition proceedings raised by you in the Court of Session in connection with the building of a new Portobello High School in part of Portobello Park. While we recognise your right to follow due legal process in the courts we do not accept that the cost of that process should be met by donations gained with the use of known misrepresentations. Your fund raising web site has, for a considerable period of time, represented on its first page that:

- If the school is built on part of the park 'housing will be built on the whole area' of the park. That is a statement PPAG know to be a misrepresentation.
- 'The golf course will be lost if the school is built in the park'. That is a statement PPAG know to be a misrepresentation.
- You 'represent the SIGNIFICANT MAJORITY' (sic) of the community (asserted in the opening line of your web site statement). There is no credible basis for that assertion. On the contrary the only reliable evidence on support suggests the majority of the community support the building of the school at Portobello Park.

We appreciate we cannot force the removal of these misrepresentations. However we wish to record our formal request that they be removed immediately. Where funds are sought based on known misrepresentations it can only serve to cause unnecessary animosity.

If the misrepresentations are not withdrawn within 7 days we will ask that the matter be addressed by Portobello Community Council by way of a motion of censure. PPAG are members of the council and, in our view, should act responsibly and fairly in soliciting financial support.

Yours Faithfully

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 27 October 2011 18:33  
**To:** [REDACTED]  
**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

Dear [REDACTED]

Sorry for the delay in responding. I will reply to your email on Friday morning.

Regards

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 27 October 2011 16:00  
**To:** [REDACTED]  
**Subject:** FW: letter from PFANS, Portobello and Towerbank Parent Councils

Dear [REDACTED] could you acknowledge receipt of the undernoted email and let me know when I can expect to hear back. The meeting to which this relates is next Monday and I need to know the position by tomorrow lunch time to let me give notice of where we are with this.  
Thanks

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 24 October 2011 18:06  
**To:** [REDACTED]  
**Subject:** FW: letter from PFANS, Portobello and Towerbank Parent Councils

Dear [REDACTED] has copied me in to your email response to his query. I write as an independent community council member for Portobello and also a member of the High School Parent Council and PFANS. The matter sought to be raised is not the issue of the 'siting of the new school'. I attach a copy of the email sent to John today which explains what the intended agenda item is.

The issues are:

1. Is a community council entitled to consider the position it should adopt where known written factual misrepresentations are made by a council member organisation in public fund raising materials on any community matter?
2. If the answer to 1 is yes is the community council entitled, as part of any position adopted, to ask a member organisation to undertake to correct any known written misrepresentation on a community issue where the council is satisfied such a misrepresentation has taken place?
3. If no undertaking is given to correct a misrepresentation of the above sort is the community council entitled to censure or otherwise take any sanctions against the relevant member organisation?
4. In the specific circumstance narrated in this case as set out in my letter to John, and the letter from the 3 signatories, should the council be entitled to consider asking the member organisation to undertake to correct a misrepresentation of the above sort which failing can the council consider applying any of the above sanctions?

I would be confident this is a matter of significant interest to the rest of the community. It is certainly a matter of importance to Portobello High School Parent Council, PFANS and Towerbank Parents Council. These were the only 3 signatories to the letter sought and in themselves represent a large proportion of the Portobello community. Could you let me know the position on these points as a matter of urgency as the council meeting to which this relates is next Monday. If the community council is not entitled to discuss any of the 4 issues could you please confirm the specific regulation governing each point and how it applies. The first 3 issues are matters of principle it is only the fourth issue that is specific to a particular organisation and statements made to the community to get funds from the community.

Best wishes

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 24 October 2011 17:12  
**To:** [REDACTED]

23/11/2011

**Cc:** [REDACTED]  
**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

Hi [REDACTED] thanks for the quick reply. I will take up the matter direct with [REDACTED] her response is directed to the issue of the siting of the school which I specifically do not seek to raise. The issue is not at all the position of the school; it is the question of appropriate behaviour by community council member organisations when communicating on community issues. I find it difficult to understand why that would not be a matter for the community council to consider. I appreciate in the mean time the matter will not go on the community council agenda but trust that if on clarification the matter is deemed appropriate for the council it will be added to the agenda for the next meeting.

Regards  
[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 24 October 2011 16:49  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Fw: letter from PFANS, Portobello and Towerbank Parent Councils

Dear [REDACTED]

In anticipation that the 3 groups mentioned above would wish this letter to be raised at the next PCC meeting, I sought advice from [REDACTED] the Council's community council liaison officer. My email to her, and her reply to me are given below in full.

In the light of her reply, I therefore feel that it would be completely inappropriate for the item or motion you suggest to be included in next Monday's agenda.

I therefore do not think it would be appropriate to circulate the email you have just sent me to community council members although I will circulate it to the office bearers mentioned above.

I realise that this is not the outcome you would wish but I hope you will appreciate that I have sought the appropriate advice from the Council as to how this situation should be approached and intend to act upon the advice that has been given.

Best wishes,  
[REDACTED]

----- Original Message -----

**From:** [REDACTED]  
**To:** [REDACTED]  
**Sent:** Tuesday, October 18, 2011 5:35 PM  
**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

Hi [REDACTED]

In my view it would not be appropriate to include an item on 'PPAG court action' on the CC agenda as this would mean overturning a decision made by the community council to remain neutral on the issue of the siting of the new school. It wouldn't be appropriate for the CC to censure PPAG as they are acting on their own behalf and haven't misrepresented the community council.

Regards  
[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 16 October 2011 11:15  
**To:** [REDACTED]  
**Subject:** Fw: letter from PFANS, Portobello and Towerbank Parent Councils  
**Importance:** High  
[REDACTED]

You are probably aware of the controversy in Portobello over the siting of the new Portobello High School. The site the  
23/11/2011

Council has chosen is Portobello Park which is common good land. This decision has caused great division in the community.

The PCC, with the agreement of all of its members, took a neutral stance when responding to the planning application, now granted, as we felt that this reflected both the split on this issue on the PCC and within the community.

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PFANS supporters wish the PPAG court action to be an agenda item on next month's PCC agenda and I, as Chair, have said no as that I feel is not a PCC issue but a matter between PPAG and the Council.

Now PFANS and Towerbank School Council want the PCC to debate a motion of censure regarding PPAG at the next PCC meeting, largely relating to the content of the PPAG web site. ( See attachment. )

My view is that the website of a group represented on a community council is solely the responsibility of that group and is not a topic that should be debated at a community council meeting. Just as the PCC was neutral over the planning application for the school itself, I feel we should continue to be neutral in all other matters regarding the new school and that the PCC should not even discuss a motion of censure regarding one of its group members.

I would welcome your advice on this and on the way I propose to handle this situation.

Apologies this is such a long email but it is a complex situation. A prompt reply would be greatly welcomed.

Regards,



\*\*\*\*\*

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\*\*\*\*\*

[Redacted]  
**From:** [Redacted]  
**Sent:** 01 November 2011 15:00  
**To:** [Redacted]

**Cc:** [Redacted]  
**Subject:** FW: Publication of the Guide to Emergency Planning for Community Groups.

Dear Secretary

[Redacted] from Scottish Government has asked me to forward the following information to you.

Regards  
[Redacted]

---

**From:** [Redacted] [mailto:Ralph.Thorpe@scotland.gov.uk]  
**Sent:** 27 October 2011 09:56  
**To:** [Redacted]

**Cc:** [Redacted]  
**Subject:** Publication of the Guide to Emergency Planning for Community Groups.

Dear colleagues -

I am writing to you with information which should be useful to you in working with Community Councils in your area. I'd be grateful if you could pass this on to the Community Councils with which you work.

**Firstly**, the Scottish Government has published a Guide to Emergency Planning for Community Groups which is now available on the Ready Scotland website at: <http://www.readyscotland.org/my-community/>

Communities across Scotland are thinking about how they can become more resilient - particularly in the run-up to winter, and this guide gives them the tools they need to plan to do so. There's already some excellent practice emerging in a number of areas, often with Community Councils playing key roles. Some of these are highlighted as case studies on Ready Scotland.

If Community Councils (or any other community groups) in your area decide to get involved in

community resilience activities - we'd be very keen to hear about what they are doing, and to offer help and advice if required. They can contact me direct, or email: [ReadyScotland@scotland.gsi.gov.uk](mailto:ReadyScotland@scotland.gsi.gov.uk)

**Secondly**, those Community Councils which have third party liability insurance supplied by Zurich Municipal might be interested to know that Zurich have agreed that they would accept the Community Resilience role as being part of the usual duties of a Community Council, and that current covers would be adequate for non-mechanised activities which are part of a Community Emergency Plan. Our advice for those Community Councils insured by Zurich is that if they get involved in community resilience activities, they should advise their insurer.

If I can help in any way, or you'd like to discuss any aspect of this, please call or email me.

Kind regards,

[Redacted]

[Redacted]

Community Resilience Team  
Resilience Division  
Scottish Government

**Email:** [Redacted]

**Telephone: 0131 2445911**

\*\*\*\*\*

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**From:** [REDACTED]  
**Sent:** 28 October 2011 11:37  
**To:** [REDACTED]  
**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils  
**Attachments:** Scheme 2009.doc

Dear [REDACTED]

Thank you for your email and further to the points you have raised:

Nominated members participate in the collective decisions of the CC. They also have their own independent views and it would be expected they they would express their own views outwith meetings of the CC. It would also be expected that in some instances these views would be not be in line with the views expressed by the CC. The community council has no control or censorship over the activities of local interest groups acting outwith their meetings. As I mentioned in my previous email, it wouldn't be appropriate for the CC to censure PPAG as they are acting on their own behalf and haven't misrepresented the community council.

I have attached the Scheme for Community Councils which covers the rules and regulations governing community councils which may be of interest to you.

Regards

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** FW: letter from PFAN \$Portobello and Towerbank Parent Councils

Dear [REDACTED] has copied me in to your email response to his query. I write as an independent community council member for Portobello and also a member of the High School Parent Council and PFANS. The matter sought to be raised is not the issue of the 'siting of the new school'. I attach a copy of the email sent to John today which explains what the intended agenda item is.

The issues are:

1. Is a community council entitled to consider the position it should adopt where known written factual misrepresentations are made by a council member organisation in public fund raising materials on any community matter?
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3. If no undertaking is given to correct a misrepresentation of the above sort is the community council entitled to censure or otherwise take any sanctions against the relevant member organisation?
4. In the specific circumstance narrated in this case as set out in my letter to John, and the letter from the 3 signatories, should the council be entitled to consider asking the member organisation to undertake to correct a misrepresentation of the above sort which failing can the council consider applying any of the above sanctions?

I would be confident this is a matter of significant interest to the rest of the community. It is certainly a matter of importance to Portobello High School Parent Council, PFANS and Towerbank Parents Council. These were the only 3 signatories to the letter sought and in themselves represent a large proportion of the Portobello community. Could you let me know the position on these points as a matter of urgency as the council meeting to which this relates is next Monday. If the community council is not entitled to discuss any of the 4 issues could you please confirm the specific regulation governing each point and how it applies. The first 3 issues are matters of principle it is only the fourth issue that is specific to a particular organisation and statements made to the community to get funds from the community.

Best wishes

[REDACTED]

---

**From:** Tom Ballantine [mailto:ballantinehome@tiscali.co.uk]

23/11/2011

**Sent:** 24 October 2011 17:12

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

[REDACTED] thanks for the quick reply. I will take up the matter direct with [REDACTED] her response is directed to the issue of the siting of the school which I specifically do not seek to raise. The issue is not at all the position of the school; it is the question of appropriate behaviour by community council member organisations when communicating on community issues. I find it difficult to understand why that would not be a matter for the community council to consider. I appreciate in the mean time the matter will not go on the community council agenda but trust that if on clarification the matter is deemed appropriate for the council it will be added to the agenda for the next meeting.

Regards  
[REDACTED]

---

**From:** [REDACTED]

**Sent:** 24 October 2011 16:49

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** Fw: letter from PFANS, Portobello and Towerbank Parent Councils

Dear [REDACTED]

In anticipation that the 3 groups mentioned above would wish this letter to be raised at the next PCC meeting, I sought advice from [REDACTED], the Council's community council liaison officer. My email to her, and her reply to me are given below in full.

In the light of her reply, I therefore feel that it would be completely inappropriate for the item or motion you suggest to be included in next Monday's agenda.

I therefore do not think it would be appropriate to circulate the email you have just sent me to community council members although I will circulate it to the office bearers mentioned above.

I realise that this is not the outcome you would wish but I hope you will appreciate that I have sought the appropriate advice from the Council as to how this situation should be approached and intend to act upon the advice that has been given.

Best wishes,  
[REDACTED]

----- Original Message -----

**From:** [REDACTED]

**To:** [REDACTED]

**Sent:** Tuesday, October 18, 2011 5:35 PM

**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

Hi [REDACTED]

In my view it would not be appropriate to include an item on 'PPAG court action' on the CC agenda as this would mean overturning a decision made by the community council to remain neutral on the issue of the siting of the new school. It wouldn't be appropriate for the CC to censure PPAG as they are acting on their own behalf and haven't misrepresented the community council.

Regards  
[REDACTED]

---

**From:** [REDACTED]

**Sent:** 16 October 2011 11:15

**To:** [REDACTED]

**Subject:** Fw: letter from PFANS, Portobello and Towerbank Parent Councils

**Importance:** High

23/11/2011

[REDACTED]

You are probably aware of the controversy in Portobello over the siting of the new Portobello High School. The site the Council has chosen is Portobello Park which is common good land. This decision has caused great division in the community.

The PCC, with the agreement of all of its members, took a neutral stance when responding to the planning application, now granted, as we felt that this reflected both the split on this issue on the PCC and within the community.

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My view is that the website of a group represented on a community council is solely the responsibility of that group and is not a topic that should be debated at a community council meeting. Just as the PCC was neutral over the planning application for the school itself, I feel we should continue to be neutral in all other matters regarding the new school and that the PCC should not even discuss a motion of censure regarding one of its group members.

I would welcome your advice on this and on the way I propose to handle this situation.

Apologies this is such a long email but it is a complex situation. A prompt reply would be greatly welcomed.

Regards,

[REDACTED]

\*\*\*\*\*

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\*\*\*\*\*

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 01 November 2011 17:58  
**To:** [REDACTED]  
**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

Hi [REDACTED]

Further to your email, the CC does not have control or responsibility for the actions of nominated groups. If a nominated member from a local interest group misrepresents the position adopted by the CC then this would be a matter for the CC to deal with. If there are concerns about the activities or conduct of the nominated group then these concerns should be raised directly with the group.

Regards  
[REDACTED]

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**From:** [REDACTED]  
**Sent:** 01 November 2011 10:59  
**To:** [REDACTED]  
**Subject:** FW: letter from PFANS, Portobello and Towerbank Parent Councils

[REDACTED] for the avoidance of doubt I left this at our meeting last night but would want to sort the position this week. I look forward to hearing from you.

Regards  
[REDACTED]

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**From:** [REDACTED]  
**Sent:** 28 October 2011 12:38  
**To:** [REDACTED]  
**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

Hi [REDACTED]

Thanks I have had a quick look at this. The appendix on conduct states of representatives under 'Honesty and integrity' - 'You have a duty to act honestly'. As I understand what you are saying we are entitled to consider how to deal with issues of honesty within council meetings as a matter of principle and how we should respond, as a matter of practice to a breach of that principle **in our meetings**. Could you please confirm if I am correct in that.

Beyond the principle I note from the Scheme rules '*The general purpose of community councils is to act as a voice for their local area. This will involve them articulating the views and concerns of local people in their area on a wide range of issues of public concern*'. A group, one of our represented groups as it happens, has started trying to raise large sums of money from the community saying they represent the 'significant majority' of the community when they have, to put it at its kindest, no basis for that assertion. They say a school being built means a golf course will be lost when the golf course is to be kept; they say the whole area will be built over when most of the area is not being built on. Community members being asked to give money on this basis is, I know as a matter of fact, an issue of public concern here on which many, many local people want to have their voice heard and articulated. **This is not raising an issue about the school. It is raising an issue about how to respond to the issue of a group misleading the community to raise funds.** It seems to me I have every right to raise that issue on behalf of the very large number of local people who do not want the community to be misled. It stands fully within our 'general purpose'. I have had discussions at the community council in the past which have related to issues of honesty to, and within, the community. It would be wholly inconsistent to maintain that issues of honesty and integrity matter within council meetings but do not matter within the community. I trust on that basis we can agree that this issue can be raised.

I am sorry to land you with this but the Scheme and principles are perfectly clear.

Regards  
[REDACTED]

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**From:** [REDACTED]  
**Sent:** 28 October 2011 11:37

23/11/2011

To: [REDACTED]

Subject: RE: letter from PFANS, Portobello and Towerbank Parent Councils

Dear [REDACTED]

Thank you for your email and further to the points you have raised:

Nominated members participate in the collective decisions of the CC. They also have their own independent views and it would be expected they they would express their own views outwith meetings of the CC. It would also be expected that in some instances these views would be not be in line with the views expressed by the CC. The community council has no control or censorship over the activities of local interest groups acting outwith their meetings. As I mentioned in my previous email, it wouldn't be appropriate for the CC to censure PPAG as they are acting on their own behalf and haven't misrepresented the community council.

I have attached the Scheme for Community Councils which covers the rules and regulations governing community councils which may e of interest to you.

Regards

[REDACTED]

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From: [REDACTED] (mailto:bellantinehome@local.gov.uk)

Sent: 24 October 2011 18:06

To: [REDACTED]

Subject: FW: letter from PFANS, Portobello and Towerbank Parent Councils

Dear [REDACTED] has copied me in to your email response to his query. I write as an independent community council member for Portobello and also a member of the High School Parent Council and PFANS. The matter sought to be raised is not the issue of the 'siting of the new school'. I attach a copy of the email sent to John today which explains what the intended agenda item is.

The issues are:

1. Is a community council entitled to consider the position it should adopt where known written factual misrepresentations are made by a council member organisation in public fund raising materials on any community matter?
2. If the answer to 1 is yes is the community council entitled, as part of any position adopted, to ask a member organisation to undertake to correct any known written misrepresentation on a community issue where the council is satisfied such a misrepresentation has taken place?
3. If no undertaking is given to correct a misrepresentation of the above sort is the community council entitled to censure or otherwise take any sanctions against the relevant member organisation?
4. In the specific circumstance narrated in this case as set out in my letter to John, and the letter from the 3 signatories, should the council be entitled to consider asking the member organisation to undertake to correct a misrepresentation of the above sort which failing can the council consider applying any of the above sanctions?

I would be confident this is a matter of significant interest to the rest of the community. It is certainly a matter of importance to Portobello High School Parent Council, PFANS and Towerbank Parents Council. These were the only 3 signatories to the letter sought and in themselves represent a large proportion of the Portobello community. Could you let me know the position on these points as a matter of urgency as the council meeting to which this relates is next Monday.

If the community council is not entitled to discuss any of the 4 issues could you please confirm the specific regulation governing each point and how it applies. The first 3 issues are matters of principle it is only the fourth issue that is specific to a particular organisation and statements made to the community to get funds from the community.

Best wishes

[REDACTED]

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From: [REDACTED]

Sent: 24 October 2011 17:12

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: letter from PFANS, Portobello and Towerbank Parent Councils

[REDACTED], thanks for the quick reply. I will take up the matter direct with [REDACTED] her response is directed to the issue of the siting of the school which I specifically do not seek to raise. The issue is not at all the position of the school; it is the question of appropriate behaviour by community council member organisations when communicating on community issues.

23/11/2011

I find it difficult to understand why that would not be a matter for the community council to consider. I appreciate in the mean time the matter will not go on the community council agenda but trust that if on clarification the matter is deemed appropriate for the council it will be added to the agenda for the next meeting.  
Regards  
[REDACTED]

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**From:** [REDACTED]  
**Sent:** 24 October 2011 16:49  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Fw: letter from PFANS, Portobello and Towerbank Parent Councils

Dear [REDACTED]

In anticipation that the 3 groups mentioned above would wish this letter to be raised at the next PCC meeting, I sought advice from [REDACTED] the Council's community council liaison officer. My email to her, and her reply to me are given below in full.

In the light of her reply, I therefore feel that it would be completely inappropriate for the item or motion you suggest to be included in next Monday's agenda.

I therefore do not think it would be appropriate to circulate the email you have just sent me to community council members although I will circulate it to the office bearers mentioned above.

I realise that this is not the outcome you would wish but I hope you will appreciate that I have sought the appropriate advice from the Council as to how this situation should be approached and intend to act upon the advice that has been given.

Best wishes,  
[REDACTED]

----- Original Message -----

**From:** [REDACTED]  
**To:** [REDACTED]  
**Sent:** Tuesday, October 18, 2011 5:35 PM  
**Subject:** RE: letter from PFANS, Portobello and Towerbank Parent Councils

Hi [REDACTED]

In my view it would not be appropriate to include an item on 'PPAG court action' on the CC agenda as this would mean overturning a decision made by the community council to remain neutral on the issue of the siting of the new school. It wouldn't be appropriate for the CC to censure PPAG as they are acting on their own behalf and haven't misrepresented the community council.

Regards  
[REDACTED]

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**From:** [REDACTED]  
**Sent:** 16 October 2011 11:15  
**To:** [REDACTED]  
**Subject:** Fw: letter from PFANS, Portobello and Towerbank Parent Councils  
**Importance:** High  
[REDACTED]

You are probably aware of the controversy in Portobello over the siting of the new Portobello High School. The site the Council has chosen is Portobello Park which is common good land. This decision has caused great division in the community.

The PCC, with the agreement of all of its members, took a neutral stance when responding to the planning application, now granted, as we felt that this reflected both the split on this issue on the PCC and within the community.

23/11/2011

One of the groups represented on the PCC, PPAG, ( Portobello Park Action Group ) who wish to save the park have raised an action at the Court of Session against the Council contesting their decision to build on common good land. This has angered many in the community, including the main group campaigning for a new school on this site, PFANS, ( Portobello For a New School ) They are not represented on the PCC but their main campaigner is as group representative of Towerbank School Council.

PFANS supporters wish the PPAG court action to be an agenda item on next month's PCC agenda and I, as Chair, have said no as that I feel is not a PCC issue but a matter between PPAG and the Council.

Now PFANS and Towerbank School Council want the PCC to debate a motion of censure regarding PPAG at the next PCC meeting, largely relating to the content of the PPAG web site. ( See attachment. )

My view is that the website of a group represented on a community council is solely the responsibility of that group and is not a topic that should be debated at a community council meeting. Just as the PCC was neutral over the planning application for the school itself, I feel we should continue to be neutral in all other matters regarding the new school and that the PCC should not even discuss a motion of censure regarding one of its group members.

I would welcome your advice on this and on the way I propose to handle this situation.

Apologies this is such a long email but it is a complex situation. A prompt reply would be greatly welcomed.

Regards,



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