

Mintlaw & District Community Council

CONSTITUTION

1. NAME

The name of the Council shall be **MINTLAW & DISTRICT COMMUNITY COUNCIL** (hereinafter referred to 'the Council').

2. OBJECTIVES AND FUNCTIONS

The objectives and functions of the Council shall be:

(a)

(i) To ascertain, co-ordinate and express to statutory and public authorities and bodies, including the Aberdeenshire Council, the views of the community which it represents in relation to matters for which those authorities and/or bodies are responsible, and to take such action in the interests of the community as appears to its members to be desirable and practicable.

(ii) To promote the well-being of the community residents within the Council boundaries (hereinafter referred to as 'the Community Area') without distinction of sex or of political, religious or other opinions, by associating with Aberdeenshire Council.

(iii) To be a means whereby the people of the Community Area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.

(b) The Council shall be non-party in politics and non-sectarian in religion.

3. MEMBERSHIP OF THE COUNCIL

The Council shall consist of:

Not less than eight and not more than twenty persons elected by and from all persons resident within the Community Area whose names appear on the relevant Electoral Register or Registers. ***(A maximum of two young persons resident in the Community Council area but not on the Electoral Register aged 16 – 18 years may also be co-opted to serve on the Community Council).***

4. ANNUAL GENERAL MEETING

During the month of May in each year the Council shall convene an Annual General Meeting, the Agenda for which shall include items for receiving the Council's Annual Report and the Audited Annual Statement of Accounts, Reports on any Elections, provision when necessary for considering and voting on

proposals for amendment of the Council's Constitution, and any other business which can be competently dealt with at an Annual General Meeting.

5. ORDINARY MEETINGS

(a) The Council shall meet throughout the year at intervals of one month, excluding July and December. The dates of regular meetings during the remainder of the year shall be agreed at the first meeting of the Council following ordinary elections, but will normally be on the third Thursday of the month.

(b) The Council may from time to time convene Special Meetings for the purpose of considering matters of interest or importance. Any three members may requisition a Special Meeting of the Council.

(c) The quorum for any General or Special Meeting shall be five.

(d) The Council may invite to its meetings and if considered appropriate to all meetings of the Committees and Sub-Committees, the Member(s) for the Community Area elected to the Aberdeenshire Council, which Member(s) so invited shall not be entitled to vote.

(e) The Council may invite to any or all of its meetings and to meetings of its Committees or Sub-Committees, any other party including officers of Aberdeenshire Council depending upon subject matters to be discussed. Individuals so invited shall not be entitled to vote at any meeting.

(f) The Council may invite a member of the public to address any meeting of the Council or Committees or Sub-Committees thereof.

(g) All meetings of the Council shall be open to members of the public, except that the Council may, by resolution, agree to go into private session for the consideration of any items of business of a particularly private or confidential nature, where in the interests of the community it appears to the Council that it would be advisable to do so.

6. NOTICES CALLING MEETINGS

(a) Notices calling meetings of the Council specifying the items of business to be discussed together with the Minutes of the previous meetings to be approved shall be sent to each member of the Council, either to their normal residence or their place of work and to the appropriate Councillors of Aberdeenshire Council five days before the date of any such meeting.

(b) Notices calling meetings of the Council and Committees thereof shall be posted prominently at the normal meeting place of the Council and/or within the Community Area for a minimum of three days before the date of any such meeting.

(c) Copies of all Minutes of meetings of the Council and Committees thereof shall

be circulated to members no later than with agenda papers for the meeting next following and approved at the meeting next following of the Council and shall be sent to the Area Manager(s) for the Area of Aberdeenshire in which the Community Council is located and shall also be available for inspection by the public at a suitable place or places within fourteen days of the meeting of the Council at which such Minutes were approved.

7 PLANNING ISSUES

The Community Council shall consider all applications for planning permission that come before it and shall record in the Minutes of the meeting the view of the Community Council in regard to the application. If for any reason, a response is required in advance of consideration by the full Council, the matter shall be delegated to the Secretary in consultation with the Chair to frame an appropriate response which shall be submitted to the next meeting of the Council for homologation.

8. ELECTIONS

(a) Ordinary elections shall be held usually in the month of May, unless a common election date is subsequently prescribed by Aberdeenshire Council. Members shall hold office for two years. Elections shall be held every two years, with all retiring Members being eligible for re-election.

(b) The Council shall, at the commencement of the election period, appoint a Returning Officer who may be independent of the Council, or may be a member, co-opted member or office-bearer of the Council, but shall not be seeking election or re-election during the particular election being held.

9. COUNCIL MEMBERSHIP

(a) Persons seeking election to the Council shall be nominated as prescribed in the Aberdeenshire Council Scheme for the Establishment of Community Councils and nominations shall be lodged with the Returning Officer by a prescribed time and date.

(b) In the event of the number of persons remaining validly nominated for election to the Council (after any withdrawals) exceeding the number of vacancies, elections shall be by a secret ballot paper containing a list of the persons validly nominated. The said elections shall be arranged by the Council with such assistance as may be requested from Aberdeenshire Council in terms of the Scheme.

(c) Elections shall be by way of the Single Transferable Vote System.

(d) The Community Council may, where their elected membership does not comprise the maximum number of elected members specified in Schedule 1 but is equal to or exceeds one-half of that number, or where casual vacancies arise during a term of office, co-opt persons who would be eligible for election to the

Community Council as members in order to make up these members, subject to the number of members co-opted not at any time exceeding five. Members so co-opted may serve until the next ordinary election of that Community Council, with full voting rights.

(e) The Council may also co-opt to the Council any person or persons (resident either within or without the Community Area) who in the opinion of the Council has or have interests in the Community Area and whose views, advice and professional or technical skills might be of assistance in the promotion or advancement of any matter or project falling within the objectives of the Council, provided:

(i) such persons shall be co-opted only for such period or respective periods as shall be agreed by the Council not exceeding an initial period of one year, and

(ii) such person or persons shall not be entitled to vote.

10. OFFICERS OF COUNCIL

(a) The Council, at its first meeting after the initial and subsequent elections, shall elect one of its members to be Chairman and may elect one of its members to be Vice-Chairman

(b) The Chairman and Vice-Chairman shall continue in office until their respective successors are elected.

(c) The Council shall appoint and shall have power to dismiss a Secretary and a Treasurer, whether or not from among its elected members. The offices of Secretary and Treasurer may be combined.

(d) The office of Chairman shall not be combined with any other, nor shall one person hold more than two positions.

(e) The member or members of the Council appointed as Secretary or Treasurer or Secretary/Treasurer shall not be entitled to remuneration but the Council may, at its discretion, award honoraria to such members together with expenses actually incurred and supported by receipts or vouchers. The Council may pay appropriate remuneration to a Secretary and Treasurer or Secretary/Treasurer appointed outwith its own membership.

11. STAFF

In addition to the offices of Secretary and Treasurer or Secretary/Treasurer the Council shall have power to appoint and dismiss such other staff as it may from time to time determine, subject in appropriate cases to observance of Employment Law.

12. COMMITTEES AND SUB-COMMITTEES

The Council shall have powers to appoint such Committees and/or Sub-Committees as it may from time to time decide, and shall determine their terms of reference, powers, duration and composition.

13. STANDING ORDERS

(a) The Council shall have powers to draw up Standing Orders for the proper conduct of the business at all meetings of the Council and meetings of Committees or Sub-Committees thereof.

(b) In the absence of its own Standing Orders, the Standing Orders of Aberdeenshire Council shall, where relevant, apply to all meetings of the Council and to meetings of all Committees and Sub-Committees thereof.

(c) Copies of Aberdeenshire Council's Community Council Scheme, together with the Council's Constitution, Rules and Standing Orders, shall be given to each member of the Council at the commencement of their membership

14. FINANCE

(a) All monies raised by or on behalf of the Council shall be applied to further the objectives of the Council.

(b) The Council shall be entitled to seek and hold loans as provided for in appropriate circumstances.

(c) The Treasurer or Secretary/Treasurer shall arrange for a bank account(s) to be held in the name of the Council and shall have responsibility for:

(i) The proper management of the Council's financial affairs; and

(ii) Keeping proper books of account showing the finances of the Council.

(d) The Council shall appoint an independent Auditor or Auditors acceptable to Aberdeenshire Council to audit the Accounts of the Council annually.

(e) An Audited Statement of Accounts of the Council for the last financial year shall be submitted by the Council to the Annual General Meeting. The Council's financial year shall run from 1st May - 30th April in any year.

(f) The Title to all and any heritable property which may be acquired by or for the purpose of the Council shall be taken and shall thereafter stand in the name of the Chairman and Secretary of the Council and their successors in their respective offices as Trustees for the Council.

(g) The Council shall participate in Aberdeenshire Council's insurance scheme for Community Councils.

15. RETURN OF OFFICE- BEARERS AND OTHERS

Following the first meeting after each election the Council shall lodge with the Chief Executive Officer of Aberdeenshire Council and the Area Manager for the Area of Aberdeenshire in which located a Return, specifying the full names, addresses and designations of:

- (a)** Office-bearers;
- (b)** Elected, nominated and ex-officio and co-opted members; and
- (c)** Auditor/Auditors.

and shall thereafter give notice to the said officials in writing of all changes in such office-bearers, members and Auditor/Auditors.

16. AMENDMENT OF CONSTITUTION

(a) Any proposal to amend the Constitution must be delivered in writing to the Secretary of the Council at least twenty-eight days before the date of the meeting at which the proposal is first to be considered.

(b) Subject to the provisions of paragraph four any alterations to the Constitution will require approval of:

(i) A majority of two-thirds of the members present and voting in favour thereof at an Annual General Meeting or Special Meeting convened inter alia for that purpose, and

(ii) Aberdeenshire Council.

(c) Notice of any General Meeting at which a proposal to consider the Constitution of the Council is to be considered shall be given fourteen days prior to the date of the meeting and such notice shall detail the wording of the proposed alteration.

17. DISSOLUTION

(a) If at any time it seems to the Council necessary or desirable that the Council be dissolved or amalgamated with an adjoining Community Council in the event of insufficiency of members, financial difficulties, or lack of interest within the local community, it shall have power to call a Special General Meeting to consider the matter.

(b) A resolution being carried by two-thirds of the members present voting in favour thereof, shall have power to transfer any assets, heritable or moveable, or the proceeds from the sale thereof, remaining after the satisfaction of proper debts and liabilities, to either amalgamated Community Council or which failing to any organisation or organisations which, in the opinion of the Council, will most suitably apply such assets or proceeds for the benefit of the residents of the Community Area.

18. DISCIPLINARY PROCEDURES

1

In the event of a complaint by a member of the Community Council, or a third party, that a member of the CC is in serious breach of the Community Councillors' Code of Conduct or has otherwise brought the CC into disrepute, it shall at first instance be for the Chair of the CC, or as may be appropriate the Vice-chair or other Office Bearer to set a date for a hearing by the CC to consider the matter.

In the event that the matter is considered sufficiently serious the member may be suspended from the CC pending the hearing taking a decision. The CC may also arrange for legal advice to be available to the hearing.

2.

(a) The hearing shall normally take place within four weeks of the complaint being made.

(b) The hearing shall comprise the full membership of the Community Council, excepting the complainer who will however be entitled to state a case at the hearing.

(c) The member subject to the complaint, if a Community Councillor, shall also be entitled to be heard and both complainer and member shall also be entitled to put questions to the other party with regard to the matter complained of and the submissions made to the hearing.

(d) The chair of the hearing may also permit members taking part in the hearing to question either party

(e) The member against whom a complaint has been made.