



## **SLAINS AND COLLIESTON COMMUNITY COUNCIL CONSTITUTION**

### **1. NAME**

The name of the Community Council shall be Slains and Collieston Community Council (hereinafter referred to as the Community Council)

### **2. OBJECTS AND FUNCTIONS**

The objects and function of the Community 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 resident within the Community 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.
  - (iv) To maintain, protect and preserve the character and amenities of the parish of Slains including the village of Collieston, by Ellon, Aberdeenshire.
  - (v) To provide such additional amenities for Collieston and Slains as shall be considered necessary or desirable.
  - (vi) To raise funds and accept donations for any of the above mentioned purposes.
  - (vii) To do anything further in pursuance of these objects as the Committee shall consider necessary or desirable.
- (b) The Community Council shall be non-party in politics and non- sectarian in religion.

### **3. MEMBERSHIP OF COMMUNITY COUNCIL**

The Community Council shall consist of:

- (a) Not fewer than 9 and not more than 15 persons elected by and from all persons resident within the Community Area
  - (i) whose names appear on the relevant Electoral Register or Registers for that Community Council area, or
  - (ii) have during a period of at least three months preceding date of nomination had their ordinary or principle place of residence within the Community Council area and be eligible to have their name added to the Register at its next update; or
  - (iii) the owner of a business located in a Community Council area, although not personally resident there.
- (b) Two persons aged 14 or more but less than 18 and resident within the Community Area

### **4. ANNUAL GENERAL MEETING**

- (a) During the month of September in each year the Community Council shall convene an Annual General Meeting, the Agenda for which shall include items for receiving the Community 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 Community Council's Constitution.
- (b) Twenty one clear days notice of the Annual General Meeting shall be give by poster to be exhibited at the Collieston Post Office or by such means as the Committee may from time to time consider appropriate.
- (c) Fifteen persons present in person shall constitute a quorum at the Annual General Meeting.
- (d) The Chairman for the time being of the Committee shall be the Chairman of the Annual General Meeting.

### **5. ORDINARY MEETINGS**

- (a) The Community Council shall meet throughout the year at intervals not less than four times in any twelve month period; the dates of regular meetings during the remainder of the year shall be agreed at the first meeting of the Community Council following ordinary elections.

- (b) a quorum of the Community Council shall be five members present
- (c) The Community 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 Community Council.
- (d) The quorum for any Extraordinary or Special Meeting shall be 10.
- (e) The Community Council shall invite to its meetings, and if considered appropriate, to all meetings of the Committees and Sub-Committees, the Members for the Community Area elected to the Aberdeenshire Council, which Members so invited shall not be entitled to vote.
- (f) The Community 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.
- (g) The Community Council may invite a member of the public to address any meeting of the Community Council, Committees, Sub-Committees or Sub-groups thereof.
- (h) All meetings of the Community Council shall be open to members of the public, except that the Community 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 Community Council that it would be advisable to do so.

## **6. EXTRAORDINARY GENERAL MEETING**

An Extraordinary General Meeting may be convened at any time by resolution of the Committee or on the requisition of at least ten persons who are entitled or eligible to vote at any election (as in 3 above)

Twenty days notice shall be given by the Secretary of such meeting in the manner referred to above.

The procedure to be adopted at such extraordinary General Meeting shall be the same as those for an annual General Meeting.

## **7. NOTICES CALLING MEETINGS**

- (a) Notices calling meetings of the Community Council and all Committees thereof 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 Community Council, and to the appropriate Councillors of Aberdeenshire Council five days before the date of any such meeting.
- (b) Notices calling meetings of the Community Council and Committees thereof shall be posted prominently at the normal meeting place of the Community Council and/or within the Community Area for a minimum of five days before the date of any such meeting.
- (c) Copies of all Minutes of meetings of the Community 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 Community 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 Community Council at which such Minutes were approved.

## **8. ELECTIONS**

- (a) Ordinary elections shall be held usually in the month of September, unless a common election date is subsequently prescribed by Aberdeenshire Council. Except as otherwise provided by this paragraph, members shall hold office for three years.
- (b) One third of the elected members of the Committee shall retire by rotation at each General Meeting being those who have been longest in office since their last election, but as between persons who become members on the same day those to retire shall (unless they agree otherwise amongst themselves) be determined by lot.
- (c) Retiring members of the Committee shall remain in office until their successors are elected and shall be eligible for re-election.
- (d) The Community Council shall at the commencement of the election period, appoint a Returning Officer, who may be independent of the Community Council or may be a member, co-opted member or office-bearer of the Community Council, but shall not be seeking election or re-election during the particular election being held

## **9. NOMINATIONS, VACANCIES AND CO-OPTIONS**

- (a) Persons seeking election to the Community 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) A notice giving the names and addresses of those nominated to the Council shall be displayed at Collieston Post Office, or other nominate public place as soon as practicable after the period for lodging nominations shall have expired.
- (c) In the event of the number of persons remaining validly nominated for election to the Community 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 Community Council with such assistance as may be requested from Aberdeenshire Council in terms of the Scheme.
- (d) Elections may be by way of the Single Transferable Vote System.
- (e) In the event of any casual vacancy or vacancies the Community Council shall arrange to hold an election in the prescribed way. The Community Council shall have power to co-opt, in such manner and by such majority as the Community Council shall determine, a person or persons to fill a vacancy or vacancies.  
Members so co-opted may serve until the next ordinary election to that Community Council, with full voting rights.
- (f) The Community Council may also co-opt to the Community Council any person or persons (resident either within or without the Community Area) who in the opinion of the Community 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 objects of the Community Council, provided:
  - (i) Such persons shall be co-opted only for such period or respective periods as shall be agreed by the Community Council not exceeding an initial period of one year, and
  - (ii) such person or persons shall not be entitled to vote.

## **10. OFFICERS OF COMMUNITY COUNCIL**

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

## **11. STAFF**

In addition to the offices of Secretary and Treasurer or Secretary/Treasurer the Community 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**

- (i) The Community Council shall have powers to appoint such Committees and/or Sub-Committees or Sub-groups as it may from time to time decide and shall determine their terms of reference, powers, duration and composition according to the model scheme for Community Councils.
- (ii) 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

### **13. STANDING ORDERS**

- (a) The Community Council shall have powers to draw up Standing Orders for the proper conduct of the business at all meetings of the Community Council and meetings of Committees, Sub-Committees or Sub-groups 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 Community Council and to meetings of all Committees, Sub-Committees and Sub-groups thereof.
- (c) Copies of Aberdeenshire Council's Community Council Scheme, together with the Community Council's Constitution, Rules and Standing Orders, shall be given to each member of the Community Council at the commencement of their membership

### **14. FINANCE**

- (a) All monies raised by or on behalf of the Community Council shall be applied to further the objects of the Community Council and to maintain its administrative structure.
- (b) The Community 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 Community Council and shall have responsibility for:
  - (i) The proper management of the Community Council's financial affairs; and
  - (ii) Keeping proper books of account showing the finances of the Community Council.
- (d) The Community Council shall appoint an independent Auditor or Auditors acceptable to Aberdeenshire Council to audit the Accounts of the Community Council annually.
- (e) An Audited Statement of Accounts of the Community Council for the last financial year shall be submitted by the Community Council to the Annual General Meeting. The Community Council's financial year shall run from 1<sup>st</sup> September to 31<sup>st</sup> August.

- (f) The Title to all and any heritable property which may be acquired by or for the purpose of the Community Council shall be taken and shall thereafter stand in the name of the Chairman and Secretary of the Community Council and their successors in their respective offices as Trustees for the Community Council.
- (g) The Community Council shall take out such Insurance Cover as is necessary, at least to the extent and value prescribed by Aberdeenshire Council.

## **15. RETURN OF OFFICE-BEARERS AND OTHERS**

Following the first meeting after each election the Community Council shall lodge with the Area Manager for the Area of Aberdeenshire Council 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. DISSOLUTION**

- (a) If at any time it seems to the Community Council necessary or desirable that the Community 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 the amalgamated Community Council or which failing to Aberdeenshire Council to hold assets in trust pending formation of a new Community Council for the area.

## **17. SCHEME OF ESTABLISHMENT**

The Community Council shall not do anything which is inconsistent with Aberdeenshire Council's Scheme for the Establishment of Community Councils and in the event of any inconsistency therewith, the Scheme for Establishment shall take precedence.

## **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 4 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 ask 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 shall also be entitled to have present witnesses as to the facts who may also be required to answer questions, and also a character witness who would not normally be subject to questions except to clarify any points made (f) the member against whom the complaint has been made will be permitted legal or professional representation.
3. The hearing shall decide in private with neither complainer nor member complained about being present. Thereafter the parties involved shall be called back to the hearing and advised of the decision which shall be confirmed in writing within seven days.
4. The decision shall normally be either (a) that no breach of the Code of Conduct has occurred and/or that the CC has not been brought into disrepute or (b) that the hearing finds that the complaint has been substantiated either in whole or in part.
5. If the complaint is substantiated the Hearing may either (a) censure or warn the member as to his/her future conducts or (b) suspend the member from the Community Council for any period up to a maximum of six months.
6. Following any decision in this regard the member may lodge an appeal within 14 days of the date of confirmation of the initial decision with the local Area Manager of Aberdeenshire Council who shall arrange for the appeal to be heard and a final decision reached.

7. In the event of any member being sentenced for whatever reason and thereafter commencing a period of imprisonment of 12 months or more his membership of the CC will be automatically terminated and the CC shall immediately proceed to fill the vacancy. The member involved shall not be permitted to stand for the CC for a period of 12 months beyond the end of his/her sentence.

## **19. AMENDMENT OF CONSTITUTION**

- (a) Any proposal to amend the Constitution must be delivered in writing to the Secretary of the Community 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 4 any alterations to the Constitution will require approval of:
  - (i) A majority of two-thirds of those 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 change the Constitution of the Community 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.