

AVONBRIDGE & STANDBURN COMMUNITY COUNCIL

CONSTITUTION

JUNE 2018

1. NAME

The name of the Council shall be **AVONBRIDGE & STANDBURN COMMUNITY COUNCIL** (hereinafter referred to as "the Council"), as determined by the Council at its first meeting after elections.

2. AREA

The boundaries of the Council shall be as shown on the map attached to the Falkirk Council's Scheme for the Establishment of Community Councils (attached as Appendix 1 and hereinafter referred to as "the Scheme").

3. OBJECTS

The objects of the Council shall be:-

- To ascertain, co-ordinate and express to the Falkirk Council and to public authorities, the views of the community which it represents in relation to matters for which those authorities are responsible;
- To take such action in the interest of the community as appears to it to be expedient and practicable;
- To safeguard and promote the best interests of the community and to foster a community spirit. The Council shall be non-party in politics.
- To promote the terms of our community charter which forms Schedule 1 to our constitution.

4. MEMBERSHIP

4.1 From September to September annually.

The Council shall consist of 6 elected members being a Convener, a vice Convener, a Treasurer, a Secretary and two ordinary members. It shall include appointed representatives of local organisations with, in addition, such members as may be co-opted in terms of Clause 5 hereof.

4.2 From September 2005

The Local Authority has determined that, in order to ensure that each Community Council is best suited to the size and needs of the area which it represents, as from the first statutory meeting following the September 2013 elections, each Community Council shall by its constitution determine the composition of that Council, with effect from September 2005, but that in accordance with paragraphs 4.2 (a) TO 4.2 (1) OF THE SCHEME.

5. QUALIFICATION FOR ELECTION, NOMINATION PROCESS AND METHOD OF ELECTION – ELECTED AND NOMINATED MEMBERS

The qualifications for election, the nomination process, the method of election and the process for dealing with nominations from local organisations are detailed in paragraphs 5-9 of the Scheme.

6. CO-OPTION TO THE COUNCIL

Co-option – Where, following any election, the number of elected members is less than 2/3rds, the elected members may fill the shortfall by co-opting persons in accordance with Paragraph 4(b) of the Scheme to fill all or any of the vacancies existing. Casual vacancies occurring between elections may be filled in like manner. Any decision of the Council to co-opt persons to the Council must be supported by at least two-thirds of the elected and nominated but no co-opted members of the Council in respect of each co-option.

The total number of co-opted persons must at no time exceed one-third of the elected membership. (2no, in the case of A&SCC)

Co-opted members shall hold office until the next following election, shall have the same status as elected members and for the purposes of this constitution, shall be regarded as elected members.

7. PROVISION FOR THE INCLUSION OF YOUTHS

A&SCC will encourage young people resident in the area wishing to be involved in the Community Council. A&SCC can co-opt members to the community with the full rights of a co-opted member.

8. VOTING RIGHTS OF MEMBERS OF THE COUNCIL

The right to vote at any meeting of the Council or any committee or sub-committee thereof shall be held by the elected members and appointed representatives of local organisations and co-opted members, only excepting that co-opted members shall not have the right to vote on the matters specified in Clauses 5,15 and 16 hereof.

9. MEETINGS OF THE COUNCIL

Meetings of the Community Council, including Annual General Meetings and Special Meetings, shall be held in accordance with paragraph 12 of the Scheme, no less than 9 per annum.

10. ELECTION OF OFFICE BEARERS AND APPOINTMENT OF STAFF

Election of office bearers and appointment of staff of the Community Council shall be in accordance with paragraph 11 of the Scheme.

11. REMOVAL OF OFFICE-HOLDERS FROM OFFICE

In the event of any Convener, Vice Convener, Secretary or Treasurer being found unfit to hold such office, which shall be a matter for the Community Council and Falkirk Council to decide together, the holder of that office shall vacate the post immediately upon such a decision being made and intimated to that person. The Council shall elect a new holder of the vacated office as specified in paragraph 10 hereof. In the event of a community member being removed from office they appeal against the decision as specified in paragraph 13.

12 COMMITTEES AND SUB-COMMITTEES

The Council may appoint such committees or sub-committees or working parties as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers, subject always to the approval of Falkirk Council.

13 APPEAL

In the event of a former committee member wishing to lodge an appeal against their removal they must do so within 14 days of their removal, in writing, by lodging their note of appeal with reasons for their appeal to be received by the secretary of the A&SCC and Falkirk Council. A&SCC will then convene a hearing for the appeal within 28 days thereof at Falkirk Council. The appeal will be determined by at least two members (not co-opted) of A&SCC and one member of Falkirk Council. The committee member who has been removed will be entitled to make oral and written representations to the hearing and to be represented by a person of their choosing. The decision of the appeal will be determinative of the issue of their removal.

14. PUBLIC PARTICIPATION IN THE WORK OF THE COUNCIL

- (a) The Council may invite a member of the public or the representative of an organisation to address any meeting of the Council or a committee or sub-committee thereof, but such persons will not have the right to vote at any such meeting.
- (b) All meetings of the Council and committees and sub-committees thereof shall be open to members of the public.
- (c) Notices calling meetings of the Council and of committees and sub-committees thereof shall be posted prominently within the Council area.
- (d) Copies of all minutes of meetings of the Council and of committees and sub-committees thereof shall, pending approval, be available for inspection by members of the public at a suitable place or places within the area as soon as practicable after the meeting to which they refer.
- (e) Once in each year, in the month of September, the Council shall convene an Annual General Meeting for the purposes of submitting the annual report of the Council and the annual audited statement of accounts.
- (f) The Council may from time to time call Special General Meetings for the purpose of considering matters of interest and importance (Paragraph 12(c) of the Scheme provides for Community Council to include arrangements for this in their constitution).

(g) **3** members of the community shall constitute a quorum for Annual and Special General Meetings of the Council.

(h) The Council may appoint, for the specific purposes or projects, committees or sub-committees or working parties composed of members of the Council and of others with appropriate knowledge of skills.

14. INFORMATION TO THE COUNCIL

Falkirk Council shall be sent a copy of the notice of all meetings, the minutes of all meetings, the annual report, the annual financial statement and other suitable information, as the Council may decide.

15. CONTROL OF FINANCE

(a) All monies raised by or on behalf of the Council or provided by local authorities shall be applied to further the objects of the Council and for no other purposes.

(b) The Treasurer shall keep proper accounts of the finances of the Council.

(c) The financial year of the Council shall be from 1 April, until 31 March of the succeeding year. The accounts shall be submitted to Falkirk Council within two weeks of the end of each financial year and shall be audited by a professional auditor appointed by Falkirk Council. All estimates for financial assistance requested to be granted to the Council shall be made to Falkirk Council by 31 October in each year for the financial year commencing 1 April following.

(d) An audited statement of accounts for the last financial year shall be submitted to a meeting of the Council and thereafter to the Annual General Meeting and shall be available for inspection.

16. TITLE OF PROPERTY

Property and other assets belonging to the Council shall be vested in the Convener, Vice-Convener, Secretary and Treasurer of the Council and their successors in these respective offices.

17. ALTERATIONS TO THE CONSTITUTION

Any proposal to alter this Constitution must be delivered in writing to the Secretary of the Council not less than twenty eight days prior to the date of the meeting at which it is first to be considered and the terms of the proposed resolution to alter the Constitution shall be stated on the notice calling the meeting which shall be issued not less than fourteen days prior to the meeting. If the resolution is supported by two-thirds of the combined elected and nominated, but not co-opted membership of the Council and is approved, in writing, by Falkirk Council, the alteration shall be deemed to have been duly authorised.

18. DISSOLUTION

If the Council by a two-thirds majority of the total elected and nominated, but not co-opted membership decides at any time that on the grounds of expense or otherwise it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to dissolve and not less than fourteen days prior to the date of such meeting shall cause public notice to be given (by

means of notification in the local newspaper, attachment to and at public notices boards etc) indicating the terms of the proposed resolution and that persons qualified in accordance with Clause 4 (b) will be permitted to vote at the proposed meeting. If the resolution is supported by a two-thirds majority of those persons present and qualified to vote and is approved by Falkirk Council, the Council shall be deemed to be dissolved and all assets remaining after the satisfaction of any proper debts or liabilities shall transfer to Falkirk Council who shall hold same in Trust for future Community Council for the area or for such other local organisation, having objects similar to those of the Community Council, which the Falkirk Council may recognise as an appropriate replacement for the Community Council for the area.

In the event that the Council is dissolved under the above procedure, and twenty or more electors subsequently wish the re-establishment of a Council for the area, these electors shall submit a requisition to Falkirk Council in accordance with Section 52(7) of the Local Government etc. (Scotland) 1994 on receipt of which the Returning Officer shall arrange for elections to be held in accordance with the Scheme.

Where for any reason the number of elected members on the Council falls below 2/3rds of the elected membership, Falkirk Council may, by suspending the Constitution of the Council cause the Council to be dissolved and in this event, the procedures for the establishment of a new Community Council, being those adopted for the purposes of the initial elections of Community Councils as detailed in Paragraph 7 of the Scheme and the Community Council Election Rules shall be initiated by the Returning Officer.